

**ARTICLE IV**  
**THE JUDICIARY**

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the judiciary and other judicial service units of the state.

**SUPREME COURT OF TEXAS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 16,800,014	\$ 16,719,574
GR Dedicated - Sexual Assault Program Account No. 5010	750,000	1,250,000
Federal Funds	3,077,132	1,913,566
<u>Other Funds</u>		
Judicial Fund No. 573	7,692,716	7,691,716
Appropriated Receipts	25,000	25,000
Interagency Contracts	2,500,000	2,500,000
Subtotal, Other Funds	\$ 10,217,716	\$ 10,216,716
<b>Total, Method of Financing</b>	<b>\$ 30,844,862</b>	<b>\$ 30,099,856</b>
<b>This bill pattern represents an estimated 80.3% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	72.5	72.5
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$152,500	\$152,500
Justice	(8) 150,000	(8) 150,000
<b>Items of Appropriation:</b>		
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 5,585,230	\$ 5,504,790 & UB
<b>B. Goal: COURT PROGRAMS</b>		
<b>B.1.1. Strategy: BASIC CIVIL LEGAL SERVICES</b>	\$ 21,971,000	\$ 22,470,000 & UB
<b>B.1.2. Strategy: COURT IMPROVEMENT PROJECTS</b>	\$ 3,077,132	\$ 1,913,566
<b>B.1.3. Strategy: MULTI-DISTRICT LITIGATION</b>	\$ 211,500	\$ 211,500
<b>Total, Goal B: COURT PROGRAMS</b>	\$ 25,259,632	\$ 24,595,066
<b>Grand Total, SUPREME COURT OF TEXAS</b>	<b>\$ 30,844,862</b>	<b>\$ 30,099,856</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 5,050,200	\$ 5,098,550
Other Personnel Costs	161,420	169,590
Consumable Supplies	53,000	49,000
Utilities	11,200	11,600
Travel	175,000	180,000
Rent - Machine and Other	62,000	62,000
Other Operating Expense	439,850	309,150
Grants	24,892,192	24,219,966
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 30,844,862</b>	<b>\$ 30,099,856</b>

**SUPREME COURT OF TEXAS**  
(Continued)

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>			
Retirement	\$ 172,742	\$ 175,333	
Group Insurance	500,504	543,033	
Social Security	331,075	336,041	
Benefits Replacement	<u>11,883</u>	<u>11,289</u>	
Subtotal, Employee Benefits	<u>\$ 1,016,204</u>	<u>\$ 1,065,696</u>	
<u>Debt Service</u>			
Lease Payments	<u>\$ 764,616</u>	<u>\$ 766,328</u>	
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 1,780,820</u>	<u>\$ 1,832,024</u>	

- Performance Measure Targets.** The following is a listing of the key performance target levels for the Supreme Court of Texas. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Supreme Court of Texas. In order to achieve the objectives and service standards established by this Act, the Supreme Court of Texas shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Disposition Rate	105%	105%
Average Number of Days since Filing of All Matters Pending in the Supreme Court	100	100

- Appropriation: Basic Civil Legal Services.** All fees deposited into the Basic Civil Legal Services Account of the Judicial Fund are appropriated above in Strategy B.1.1, Basic Civil Legal Services. Any fees deposited in excess of \$7,221,000 in fiscal year 2010 and \$7,220,000 in fiscal year 2011 are hereby appropriated to the Supreme Court for the same purpose (estimated to be \$0). Any unexpended balances in the Basic Civil Legal Services Account at the end of fiscal year 2009 are hereby appropriated to the Supreme Court in fiscal year 2010 for the same purpose (estimated to be \$0 and included in amounts appropriated above).

The Supreme Court of Texas shall file a report with the Legislative Budget Board and the Governor within 90 days following February 28 and August 31 of each fiscal year showing disbursements from all funding sources for Basic Civil Legal Services, the purpose for each disbursement, and compliance with grant conditions.

- Equalization.** It is the intent of the Legislature that the Supreme Court use funds appropriated above to equalize the dockets of the 14 Courts of Appeals. For the purposes of this rider equalization shall be considered achieved if the new cases filed each year per justice are equalized by 10 percent or less among all the courts of appeals. Multi-district litigation cases are exempted from this provision.
- Special Masters: State Commission on Judicial Conduct.** The appropriations to the State Commission on Judicial Conduct reflect the intent of the Legislature to encourage the Supreme Court of Texas to appoint active judges rather than retired judges as special masters in formal proceedings initiated by the State Commission on Judicial Conduct under Rule 10 of the Procedural Rules for the Removal or Retirement of Judges.
- Court Improvement Projects.** Included in amounts appropriated above are federal funds awarded to the State of Texas, State Court Improvement Program (CFDA 93.586) of \$3,077,132 in fiscal year 2010 and \$1,993,566 in fiscal year 2011. Out of these funds, the Supreme Court is allocated an amount estimated to be \$362,000 in fiscal year 2010 and \$370,000 in fiscal year 2011 to administer the grant. Additionally, the Supreme Court shall file a report with the Legislative Budget Board and the Governor within 90 days following August 31 of each fiscal year showing disbursements, the purpose of each disbursement, and compliance with grant conditions.
- Texas Young Lawyers License Plate Receipts.** Included in amounts appropriated above in Strategy B.1.1, Basic Civil Legal Services, are all estimated balances collected prior to the

**SUPREME COURT OF TEXAS**  
(Continued)

effective date of this Act (estimated to be \$0) and revenue collected on or after September 1, 2009 (estimated to be \$15,000 in fiscal year 2010 and \$14,000 in fiscal year 2011), from the sale of license plates as provided by Transportation Code § 504.604 and deposited to the credit of the Judicial Fund No. 573. In addition to amounts identified herein and included above, all unexpended balances remaining as of August 31, 2009, and all revenue collected on or after September 1, 2009, are hereby appropriated for the same purpose.

Any unexpended balances as of August 31, 2010, out of the appropriations made herein are hereby appropriated to the Supreme Court for the fiscal year beginning September 1, 2010.

- 7. Supreme Court Advisory Committees.** Included in the amounts appropriated above in Strategy A.1.1, Appellate Court Operations, and Strategy B.1.2, Court Improvement Projects, is funding in the following estimated amounts to provide travel reimbursement for the following Supreme Court advisory committees:

- a) Rules Advisory Committee, \$19,000 per fiscal year;
- b) Task Force on Judicial Readiness in Time of Emergency, \$26,000 per fiscal year;
- c) Commission on Children, Youth and Families, \$14,000 per fiscal year;
- d) Ancillary Proceeding Task Force, \$9,000 per fiscal year; and,
- e) Task Force on Judicial Foreclosure, \$500 per fiscal year.

- 8. One-time Funding for Basic Civil Legal Services.** Included in the amounts appropriated above in Strategy B.1.1, Basic Civil Legal Services, is \$10,000,000 in fiscal year 2010 and \$10,000,000 in fiscal year 2011 in one-time funding from the General Revenue Fund (for the 2010-11 Biennium only), and \$750,000 in fiscal year 2010 and \$1,250,000 from General Revenue-Dedicated Sexual Assault Program Account No. 5010 to offset the reduction in funding provided by the Interest on Lawyers Trust Accounts Program for Basic Civil Legal Services.

Funds appropriated from General Revenue-Dedicated Sexual Assault Program Account No. 5010 (\$750,000 in fiscal year 2010 and \$1,250,000 in fiscal year 2011) are contingent upon the litigation which prohibits the Comptroller of Public Accounts from releasing the receipts from admission fees to certain sexually-oriented businesses established in House Bill 1751, Eightieth Legislature, 2007, being resolved in favor of the State of Texas. This appropriation is also contingent on the receipts from admission fees to certain sexually-oriented businesses, during the 2010-11 biennium, exceeding the \$8,000,000 per fiscal year (Object Code 3175) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate by \$750,000 in fiscal year 2010 and by \$1,250,000 in fiscal year 2011. Any unexpended balances in appropriations made for this purpose for fiscal year 2010 are appropriated to the Supreme Court in fiscal year 2011 for the same purposes.

- 9. Supreme Court Performance Measures.** The Chief Justice of the Supreme Court of Texas shall file a report with the Legislative Budget Board and the Governor compiling data on each Justice's compliance with the Court's internal deadlines. The report shall be due no later than December 1 of each year and compile data from the prior fiscal year. The first report must be filed no later than August 31, 2011.

**COURT OF CRIMINAL APPEALS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 4,891,167	\$ 4,856,357
<u>Other Funds</u>		
Judicial and Court Personnel Training Fund No. 540	9,539,795	9,989,795
Judicial Fund No. 573	333,251	333,251
Appropriated Receipts	4,500	454,500
Interagency Contracts	30,000	30,000
Subtotal, Other Funds	<u>\$ 9,907,546</u>	<u>\$ 10,807,546</u>
<b>Total, Method of Financing</b>	<u><u>\$ 14,798,713</u></u>	<u><u>\$ 15,663,903</u></u>

**COURT OF CRIMINAL APPEALS**  
(Continued)

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 72.0 72.0

**Schedule of Exempt Positions:**

Presiding Judge	\$152,500	\$152,500
Judge	(8) 150,000	(8) 150,000

**Items of Appropriation:**

**A. Goal: APPELLATE COURT OPERATIONS**

<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 5,258,918	\$ 5,224,108 & UB
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**B. Goal: JUDICIAL EDUCATION**

<b>B.1.1. Strategy: JUDICIAL EDUCATION</b>	\$ 9,539,795	\$ 10,439,795
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<b>Grand Total, COURT OF CRIMINAL APPEALS</b>	<u>\$ 14,798,713</u>	<u>\$ 15,663,903</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 5,156,611	\$ 5,156,611
Other Personnel Costs	87,360	91,200
Professional Fees and Services	1,904	1,904
Consumable Supplies	28,960	28,960
Travel	62,695	62,695
Rent - Building	11,576	11,576
Rent - Machine and Other	29,924	29,924
Other Operating Expense	161,636	122,986
Grants	<u>9,258,047</u>	<u>10,158,047</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 14,798,713</u>	<u>\$ 15,663,903</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 205,878	\$ 208,966
Group Insurance	497,263	539,137
Social Security	338,574	343,653
Benefits Replacement	<u>18,479</u>	<u>17,555</u>

Subtotal, Employee Benefits	<u>\$ 1,060,194</u>	<u>\$ 1,109,311</u>
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Debt Service

Lease Payments	<u>\$ 528,210</u>	<u>\$ 529,386</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 1,588,404</u>	<u>\$ 1,638,697</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Court of Criminal Appeals. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Court of Criminal Appeals. In order to achieve the objectives and service standards established by this Act, the Court of Criminal Appeals shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Disposition Rate for Petitions for Discretionary Review Which Are Granted	100%	100%
Disposition Rate for Death Penalty Cases	100%	100%
Average Time (in Days) from the Time Petitions for Discretionary Review Are Granted until Disposition	282	282
Average Time from Time Filed to Disposition in Death Penalty Cases	638	638

**COURT OF CRIMINAL APPEALS**  
(Continued)

**2. Judicial Education.**

- a. The Court of Criminal Appeals may assign to the Office of Court Administration or to any other agency of the Judicial Branch the necessary administrative and accounting functions for the Judicial and Court Personnel Training Fund appropriation included in this Act to be performed under the direction of the Court of Criminal Appeals in compliance with Government Code, Chapter 56. To implement this provision, the Comptroller is authorized to transfer the appropriation from the Court of Criminal Appeals to the Office of Court Administration, or to any other agency of the Judicial Branch, as directed by order of the Court of Criminal Appeals. Of the amount appropriated for Strategy B.1.1, Judicial Education, \$475,000 in fiscal year 2010 and \$475,000 in fiscal year 2011 shall be expended for the continuing legal education of judges of county courts performing judicial functions.
- b. None of the funds appropriated above in Strategy B.1.1, Judicial Education, in excess of 3 percent of the appropriated amount and any additional amounts appropriated for the purposes of this provision in any fiscal year shall be expended for the administration of the judicial education function. The 3 percent administrative allocation is estimated to be \$383,194 in fiscal year 2010 and \$313,194 in fiscal year 2011, subject to amounts of refunds of unexpended balances from training entities or other funds that may be provided for judicial and court personnel training. For the purposes of this provision, the term administration shall include, but not be limited to, administrative oversight functions, accounting and auditing functions, management studies, performance audits, and other studies initiated by the Court of Criminal Appeals or the Office of Court Administration.
- c. Funds expended by either the Court of Criminal Appeals or the Office of Court Administration, out of the appropriation made above out of the Judicial and Court Personnel Training Fund, for the purpose of conducting management studies, performance audits, or other studies, shall be expended only in accordance with a competitive bidding process.

**3. Continuing Education and Technical Assistance for Prosecutors and Criminal Defense Attorneys.**

- a. The Court of Criminal Appeals is appropriated above in Strategy B.1.1, Judicial Education an amount not to exceed \$1,400,000 in fiscal year 2010 and \$1,550,000 in fiscal year 2011 to contract with a statewide professional association of prosecuting attorneys and other entities to provide continuing legal education courses, programs, and technical assistance projects for prosecutors and prosecutor office personnel.
- b. The Court of Criminal Appeals is appropriated above in Strategy B.1.1, Judicial Education an amount not to exceed \$1,250,000 in fiscal year 2010 and \$1,350,000 in fiscal year 2011 to contract with a statewide professional association of criminal defense attorneys and other entities to provide continuing legal education courses, programs and technical assistance projects for criminal defense attorneys who regularly represent indigent defendants in criminal matters.
- c. Funds may be expended pursuant to this provision only out of the appropriation made above out of the Judicial and Court Personnel Training Fund No. 540.

**4. Judicial Education: Reimbursement for Travel Expenses.** Funds appropriated above in Strategy B.1.1, Judicial Education, for the purposes established in § 56.003(b) of the Government Code, may be granted only pursuant to a grant contract which provides for the reimbursement of expenses of judges pursuant to the provisions of § 74.062 of the Government Code. This provision shall not apply to funds granted for the purpose of providing continuing legal education for judges of county courts performing judicial functions.

**5. Judicial and Court Personnel Training Report.** The Court of Criminal Appeals shall file a report with the Legislative Budget Board and the Governor within 90 days following February 28 and August 31 of each fiscal year showing the allocation of grants and expenditures from Judicial and Court Personnel Training Fund No. 540, and the results of grant audits.

**6. Appropriation: Refunds of Unexpended Balances from Training Entities.** The Court of Criminal Appeals shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered state funds held at the close of fiscal year 2009 and fiscal year 2010 by training entities receiving grants to conduct judicial and court personnel training. Refunds received by the Court of Criminal Appeals in fiscal year 2010 from training entities are appropriated above in

**COURT OF CRIMINAL APPEALS**  
(Continued)

Strategy B.1.1, Judicial Education (not to exceed \$450,000 in fiscal year 2010 out of Judicial and Court Personnel Training Account No. 540.) In addition, under Article IX, § 8.03 of this Act, the Court of Criminal Appeals is authorized to spend an amount not to exceed \$450,000 from refunds received from training entities in fiscal year 2011 for grants awarded in fiscal year 2010.

7. **Judicial and Court Personnel Training.** Out of funds appropriated above in Strategy B.1.1, Judicial Education, a minimum of \$1,000,000 per fiscal year is designated for the Court of Criminal Appeals to contract with training entities providing for the training and continuing legal education of the clerks and other court personnel of the appellate courts, district courts, county courts at law, county courts, justice courts, and municipal courts of this State in accordance with Government Code § 74.025.
8. **Actual Innocence Training.** Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$150,000 in fiscal year 2010 and an amount not to exceed \$250,000 in fiscal year 2011 shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute. Any unexpended balances of these funds remaining as of August 31, 2010 are hereby appropriated to the Court of Criminal Appeals for the fiscal year beginning September 1, 2010 for the same purpose.
9. **Appropriation: Unexpended Balance Authority Between Biennia and Within the Biennium for Judicial Education, Administrative Allocation.** All unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 2009 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2010 (not to exceed \$100,000 in Judicial and Court Personnel Training Fund No. 540, and included in amounts appropriated above). Further, all unexpended balances of funds appropriated to Strategy B.1.1, Judicial Education, at the end of fiscal year 2010 are appropriated to Strategy B.1.1, Judicial Education in fiscal year 2011 (not to exceed \$100,000 in Judicial and Court Personnel Training Fund No. 540).
10. **Court of Criminal Appeals Advisory Committees.** Included in the amounts appropriated above in Strategy A.1.1, Appellate Court Operations, is funding in the following estimated amounts to provide travel reimbursement for the following Court of Criminal Appeals advisory committees:
  - a) Rules Advisory Committee, \$4,000 per fiscal year;
  - b) Mental Health Task Force, \$5,000 per fiscal year; and
  - c) Criminal Justice Integrity Unit, \$13,250 per fiscal year.
11. **Public Defender Training.** Out of funds appropriated above in Strategy B.1.1, Judicial Education, an amount not to exceed \$0 in fiscal year 2010 and an amount not to exceed \$100,000 in fiscal year 2011 shall be used by the Court of Criminal Appeals to contract with statewide professional associations and other entities whose purposes include providing continuing legal education, courses, and programs for public defenders.
12. **Implementation of State Auditor's Office (SAO) Recommendations.**
  - (a) It is the intent of the Legislature that the Court of Criminal Appeals (court) use funds appropriated above in Strategy B.1.1, Judicial Education, to implement the recommendations contained in SAO Report No. 09-028, *The Court of Criminal Appeals' Administration of Grant Funds from the Judicial and Court Personnel Training Fund* Report No. 09-028.
  - (b) Additionally, the court shall use funds appropriated above:
    1. To prepare a comprehensive implementation plan to carry out the recommendations set out in SAO Report No. 09-028, and submit the plan to the Legislative Budget Board no later than January 31, 2010. The plan shall include the timelines the court stated in its management response to the audit report and address the following elements:
      - A. grantees administrative expenditures;
      - B. grantee financial performance;
      - C. performance targets;
      - D. written policies and procedures for program monitoring;

**COURT OF CRIMINAL APPEALS**  
(Continued)

- E. written policies and procedures for awarding of grant funds; and
  - F. annual recommendations for judicial training needs.
2. To report to the State Auditor's Office on the status of the implementation of the recommendations, pursuant to Section 321.014(f) of the Texas Government Code.
- (c) Out of funds appropriated above in Strategy B.1.1, Judicial Education, the Comptroller may not release \$1,000,000 from Judicial and Court Personnel Training Fund No. 540 for the 2010-11 biennium (\$1,000,000 in fiscal year 2011) without prior written notification from the Legislative Budget Board that the court has satisfactorily adhered to the implementation plan required above. The court shall report its progress in implementing the recommendations to the Legislative Budget Board and the State Auditor no later than July 1, 2010, before appropriations may be released and available by September 1, 2010.

**FIRST COURT OF APPEALS DISTRICT, HOUSTON**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 3,404,463	\$ 3,670,002
<u>Other Funds</u>		
Judicial Fund No. 573	273,350	273,350
Appropriated Receipts	8,700	8,700
Interagency Contracts	42,500	42,500
Subtotal, Other Funds	<u>\$ 324,550</u>	<u>\$ 324,550</u>
<b>Total, Method of Financing</b>	<u><u>\$ 3,729,013</u></u>	<u><u>\$ 3,994,552</u></u>
<b>This bill pattern represents an estimated 92.6% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	48.0	49.0
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$140,000	\$140,000
Justice	(8) 137,500	(8) 137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 3,729,013	\$ 3,994,552 & UB
<b>Grand Total, FIRST COURT OF APPEALS DISTRICT, HOUSTON</b>	<u><u>\$ 3,729,013</u></u>	<u><u>\$ 3,994,552</u></u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 3,462,135	\$ 3,727,674
Other Personnel Costs	32,700	32,700
Consumable Supplies	4,838	4,838
Travel	7,500	7,500
Rent - Building	14,000	14,000
Rent - Machine and Other	11,964	11,964
Other Operating Expense	<u>195,876</u>	<u>195,876</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 3,729,013</u></u>	<u><u>\$ 3,994,552</u></u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 129,257	\$ 131,196
Group Insurance	292,990	315,477
Social Security	237,001	240,556

**FIRST COURT OF APPEALS DISTRICT, HOUSTON**  
(Continued)

Benefits Replacement	6,487	6,163
Subtotal, Employee Benefits	\$ 665,735	\$ 693,392
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 665,735</b>	<b>\$ 693,392</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the First Court of Appeals District, Houston. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the First Court of Appeals District, Houston. In order to achieve the objectives and service standards established by this Act, the First Court of Appeals District, Houston shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**SECOND COURT OF APPEALS DISTRICT, FORT WORTH**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 2,528,882	\$ 2,778,416
<u>Other Funds</u>		
Judicial Fund No. 573	213,050	213,050
Appropriated Receipts	20,000	20,000
Interagency Contracts	54,000	54,000
Subtotal, Other Funds	\$ 287,050	\$ 287,050
<b>Total, Method of Financing</b>	<b>\$ 2,815,932</b>	<b>\$ 3,065,466</b>

**This bill pattern represents an estimated 91.2% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 38.0 39.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(6) 137,500	(6) 137,500

**Items of Appropriation:**

<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 2,815,932	\$ 3,065,466 & UB

<b>Grand Total, SECOND COURT OF APPEALS DISTRICT, FORT WORTH</b>	<b>\$ 2,815,932</b>	<b>\$ 3,065,466</b>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,660,915	\$ 2,910,448
Other Personnel Costs	29,400	34,520
Consumable Supplies	30,000	30,000
Utilities	1,200	1,200
Travel	21,000	21,000
Rent - Building	127	127
Rent - Machine and Other	828	828



**SECOND COURT OF APPEALS DISTRICT, FORT WORTH**  
(Continued)

Other Operating Expense	<u>72,462</u>	<u>67,343</u>
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ <u>2,815,932</u></b>	<b>\$ <u>3,065,466</u></b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 92,376	\$ 93,761
Group Insurance	249,541	269,110
Social Security	177,996	180,666
Benefits Replacement	<u>9,584</u>	<u>9,105</u>
Subtotal, Employee Benefits	<b>\$ <u>529,497</u></b>	<b>\$ <u>552,642</u></b>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ <u>529,497</u></b>	<b>\$ <u>552,642</u></b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Second Court of Appeals District, Fort Worth. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Second Court of Appeals District, Fort Worth. In order to achieve the objectives and service standards established by this Act, the Second Court of Appeals District, Fort Worth shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**THIRD COURT OF APPEALS DISTRICT, AUSTIN**

	For the Years Ending	
	<u>August 31, 2010</u>	<u>August 31, 2011</u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 2,207,019	\$ 2,445,386
<u>Other Funds</u>		
Judicial Fund No. 573	182,900	182,900
Appropriated Receipts	16,000	16,000
Interagency Contracts	36,000	36,000
Subtotal, Other Funds	<b>\$ <u>234,900</u></b>	<b>\$ <u>234,900</u></b>
<b>Total, Method of Financing</b>	<b>\$ <u>2,441,919</u></b>	<b>\$ <u>2,680,286</u></b>

**This bill pattern represents an estimated 91.9% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):</b>	33.0	34.0
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$140,000	\$140,000
Justice	(5) 137,500	(5) 137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 2,441,919	\$ 2,680,286 & UB

<b>Grand Total, THIRD COURT OF APPEALS DISTRICT, AUSTIN</b>	<b>\$ <u>2,441,919</u></b>	<b>\$ <u>2,680,286</u></b>
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**THIRD COURT OF APPEALS DISTRICT, AUSTIN**  
(Continued)

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,337,558	\$ 2,575,924
Other Personnel Costs	23,611	23,212
Consumable Supplies	20,000	20,000
Travel	1,000	1,000
Rent - Building	7,000	7,000
Other Operating Expense	<u>52,750</u>	<u>53,150</u>

**Total, Object-of-Expense Informational Listing** \$ 2,441,919    \$ 2,680,286

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 92,413	\$ 93,799
Group Insurance	242,202	262,537
Social Security	169,089	171,626
Benefits Replacement	<u>6,431</u>	<u>6,110</u>

Subtotal, Employee Benefits \$ 510,135    \$ 534,072

Debt Service

Lease Payments	<u>\$ 484,367</u>	<u>\$ 485,426</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 994,502    \$ 1,019,498

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Third Court of Appeals District, Austin. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Third Court of Appeals District, Austin. In order to achieve the objectives and service standards established by this Act, the Third Court of Appeals District, Austin shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**FOURTH COURT OF APPEALS DISTRICT, SAN ANTONIO**

For the Years Ending  
August 31,                      August 31,  
2010                              2011

**Method of Financing:**

General Revenue Fund	\$ 2,619,314	\$ 2,774,736
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Other Funds

Judicial Fund No. 573	213,050	213,050
Appropriated Receipts	9,000	9,000
Interagency Contracts	42,000	42,000

Subtotal, Other Funds \$ 264,050    \$ 264,050

**Total, Method of Financing** \$ 2,883,364    \$ 3,038,786

**This bill pattern represents an estimated 87.6% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 38.0                      39.0

## FOURTH COURT OF APPEALS DISTRICT, SAN ANTONIO

(Continued)

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(6) 137,500	(6) 137,500

**Items of Appropriation:**

**A. Goal: APPELLATE COURT OPERATIONS**

<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 2,883,364	\$ 3,038,786 & UB
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**Grand Total, FOURTH COURT OF APPEALS  
DISTRICT, SAN ANTONIO**

	\$ 2,883,364	\$ 3,038,786
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,722,840	\$ 2,878,262
Other Personnel Costs	52,320	56,952
Professional Fees and Services	6,563	6,281
Consumable Supplies	5,587	5,348
Utilities	2,686	2,571
Travel	1,117	1,069
Rent - Building	5,889	5,637
Rent - Machine and Other	1,240	1,187
Other Operating Expense	85,122	81,479

**Total, Object-of-Expense Informational Listing**

	\$ 2,883,364	\$ 3,038,786
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**Estimated Allocations for Employee Benefits and Debt  
Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 105,438	\$ 107,019
Group Insurance	227,935	245,593
Social Security	189,329	192,169
Benefits Replacement	5,560	5,282

Subtotal, Employee Benefits

	\$ 528,262	\$ 550,063
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**Total, Estimated Allocations for Employee  
Benefits and Debt Service Appropriations Made  
Elsewhere in this Act**

	\$ 528,262	\$ 550,063
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Fourth Court of Appeals District, San Antonio. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Fourth Court of Appeals District, San Antonio. In order to achieve the objectives and service standards established by this Act, the Fourth Court of Appeals District, San Antonio shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

## FIFTH COURT OF APPEALS DISTRICT, DALLAS

For the Years Ending	
August 31, 2010	August 31, 2011

**Method of Financing:**

General Revenue Fund	\$ 4,678,875	\$ 5,030,843
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Other Funds

Judicial Fund No. 573	393,950	393,950
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**FIFTH COURT OF APPEALS DISTRICT, DALLAS**  
(Continued)

Appropriated Receipts	32,000	32,000
Subtotal, Other Funds	\$ 425,950	\$ 425,950
<b>Total, Method of Financing</b>	<u>\$ 5,104,825</u>	<u>\$ 5,456,793</u>

**This bill pattern represents an estimated 93.3% of this agency's estimated total available funds for the biennium.**

Number of Full-Time-Equivalents (FTE):	60.3	60.3
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**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(12) 137,500	(12) 137,500

**Items of Appropriation:**

A. Goal: APPELLATE COURT OPERATIONS		
A.1.1. Strategy: APPELLATE COURT OPERATIONS	\$ 5,104,825	\$ 5,456,793 & UB

<b>Grand Total, FIFTH COURT OF APPEALS DISTRICT, DALLAS</b>	<u>\$ 5,104,825</u>	<u>\$ 5,456,793</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 4,512,442	\$ 4,864,410
Other Personnel Costs	82,535	82,535
Consumable Supplies	44,072	44,072
Travel	30,000	30,000
Rent - Building	36,720	36,720
Rent - Machine and Other	30,507	30,507
Other Operating Expense	<u>368,549</u>	<u>368,549</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 5,104,825</u>	<u>\$ 5,456,793</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 166,571	\$ 169,070
Group Insurance	415,997	449,774
Social Security	312,046	316,727
Benefits Replacement	<u>15,523</u>	<u>14,747</u>

Subtotal, Employee Benefits	<u>\$ 910,137</u>	<u>\$ 950,318</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 910,137</u>	<u>\$ 950,318</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Fifth Court of Appeals District, Dallas. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Fifth Court of Appeals District, Dallas. In order to achieve the objectives and service standards established by this Act, the Fifth Court of Appeals District, Dallas shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

## SIXTH COURT OF APPEALS DISTRICT, TEXARKANA

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,227,197	\$ 1,359,347
<u>Other Funds</u>		
Judicial Fund No. 573	92,450	92,450
Appropriated Receipts	4,000	4,000
Subtotal, Other Funds	\$ 96,450	\$ 96,450
<b>Total, Method of Financing</b>	\$ 1,323,647	\$ 1,455,797
<b>This bill pattern represents an estimated 98.4% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	15.5	16.5
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$140,000	\$140,000
Justice	(2) 137,500	(2) 137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 1,323,647	\$ 1,455,797 & UB
<b>Grand Total, SIXTH COURT OF APPEALS DISTRICT, TEXARKANA</b>	\$ 1,323,647	\$ 1,455,797
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,199,200	\$ 1,331,350
Other Personnel Costs	23,040	24,240
Consumable Supplies	7,300	7,300
Utilities	3,900	3,900
Travel	14,500	14,500
Rent - Building	3,000	3,000
Rent - Machine and Other	2,200	2,200
Other Operating Expense	70,507	69,307
<b>Total, Object-of-Expense Informational Listing</b>	\$ 1,323,647	\$ 1,455,797
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 49,841	\$ 50,589
Group Insurance	121,607	132,008
Social Security	84,785	86,057
Benefits Replacement	3,707	3,522
Subtotal, Employee Benefits	\$ 259,940	\$ 272,176
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 259,940	\$ 272,176
<b>1. Performance Measure Targets.</b> The following is a listing of the key performance target levels for the Sixth Court of Appeals District, Texarkana. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Sixth Court of Appeals District, Texarkana. In order to achieve the objectives and service standards established by this Act, the Sixth Court of Appeals District, Texarkana shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.		
	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%

**SIXTH COURT OF APPEALS DISTRICT, TEXARKANA**  
(Continued)

Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**SEVENTH COURT OF APPEALS DISTRICT, AMARILLO**

	For the Years Ending August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,510,296	\$ 1,664,068
<u>Other Funds</u>		
Judicial Fund No. 573	122,600	122,600
Appropriated Receipts	8,000	8,000
Subtotal, Other Funds	<u>\$ 130,600</u>	<u>\$ 130,600</u>
<b>Total, Method of Financing</b>	<u>\$ 1,640,896</u>	<u>\$ 1,794,668</u>
<b>This bill pattern represents an estimated 99.1% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	20.0	21.0
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$140,000	\$140,000
Justice	(3) 137,500	(3) 137,500
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> APPELLATE COURT OPERATIONS		
<b>A.1.1. Strategy:</b> APPELLATE COURT OPERATIONS	\$ 1,640,896	\$ 1,794,668 & UB
<b>Grand Total, SEVENTH COURT OF APPEALS DISTRICT, AMARILLO</b>	<u>\$ 1,640,896</u>	<u>\$ 1,794,668</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,497,085	\$ 1,650,857
Other Personnel Costs	25,200	31,500
Consumable Supplies	9,000	9,000
Utilities	8,000	8,000
Travel	16,000	16,000
Rent - Building	20	20
Rent - Machine and Other	624	624
Other Operating Expense	<u>84,967</u>	<u>78,667</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 1,640,896</u>	<u>\$ 1,794,668</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 52,370	\$ 53,155
Group Insurance	165,326	178,438
Social Security	105,023	106,598
Benefits Replacement	<u>6,228</u>	<u>5,917</u>
Subtotal, Employee Benefits	<u>\$ 328,947</u>	<u>\$ 344,108</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 328,947</u>	<u>\$ 344,108</u>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Seventh Court of Appeals District, Amarillo. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to

**SEVENTH COURT OF APPEALS DISTRICT, AMARILLO**  
(Continued)

achieve the intended mission of the Seventh Court of Appeals District, Amarillo. In order to achieve the objectives and service standards established by this Act, the Seventh Court of Appeals District, Amarillo shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**EIGHTH COURT OF APPEALS DISTRICT, EL PASO**

	For the Years Ending	
	<u>August 31, 2010</u>	<u>August 31, 2011</u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,223,125	\$ 1,364,467
<u>Other Funds</u>		
Judicial Fund No. 573	92,450	92,450
Appropriated Receipts	6,000	6,000
Interagency Contracts	27,000	27,000
Subtotal, Other Funds	<u>\$ 125,450</u>	<u>\$ 125,450</u>
<b>Total, Method of Financing</b>	<u><u>\$ 1,348,575</u></u>	<u><u>\$ 1,489,917</u></u>

**This bill pattern represents an estimated 98.4% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 17.0 18.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(2) 137,500	(2) 137,500

**Items of Appropriation:**

<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 1,348,575	\$ 1,489,917 & UB

<b>Grand Total, EIGHTH COURT OF APPEALS DISTRICT, EL PASO</b>	<u><u>\$ 1,348,575</u></u>	<u><u>\$ 1,489,917</u></u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,240,817	\$ 1,377,039
Other Personnel Costs	44,647	55,758
Consumable Supplies	5,000	4,000
Utilities	4,800	5,000
Travel	10,135	9,144
Rent - Building	7,200	5,200
Rent - Machine and Other	400	400
Other Operating Expense	<u>35,576</u>	<u>33,376</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 1,348,575</u></u>	<u><u>\$ 1,489,917</u></u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 51,130	\$ 51,897
Group Insurance	152,514	165,612
Social Security	87,100	88,407

**EIGHTH COURT OF APPEALS DISTRICT, EL PASO**  
(Continued)

Benefits Replacement	8,572	8,144
Subtotal, Employee Benefits	\$ 299,316	\$ 314,060
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 299,316</b>	<b>\$ 314,060</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Eighth Court of Appeals District, El Paso. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Eighth Court of Appeals District, El Paso. In order to achieve the objectives and service standards established by this Act, the Eighth Court of Appeals District, El Paso shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**NINTH COURT OF APPEALS DISTRICT, BEAUMONT**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,506,948	\$ 1,657,668
<u>Other Funds</u>		
Judicial Fund No. 573	122,600	122,600
Appropriated Receipts	8,000	8,000
Subtotal, Other Funds	\$ 130,600	\$ 130,600
<b>Total, Method of Financing</b>	<b>\$ 1,637,548</b>	<b>\$ 1,788,268</b>
<b>This bill pattern represents an estimated 95% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	20.0	21.0
<b>Schedule of Exempt Positions:</b>		
Chief Justice	\$140,000	\$140,000
Justice	(3) 137,500	(3) 137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 1,637,548	\$ 1,788,268 & UB
<b>Grand Total, NINTH COURT OF APPEALS DISTRICT, BEAUMONT</b>	<b>\$ 1,637,548</b>	<b>\$ 1,788,268</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,594,648	\$ 1,745,368
Other Personnel Costs	25,900	25,900
Consumable Supplies	3,000	3,000
Travel	4,000	4,000
Other Operating Expense	10,000	10,000
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 1,637,548</b>	<b>\$ 1,788,268</b>



**NINTH COURT OF APPEALS DISTRICT, BEAUMONT**  
(Continued)

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 66,492	\$ 67,489
Group Insurance	160,711	173,538
Social Security	110,952	112,617
Benefits Replacement	<u>9,267</u>	<u>8,804</u>
Subtotal, Employee Benefits	<u>\$ 347,422</u>	<u>\$ 362,448</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 347,422</u>	<u>\$ 362,448</u>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Ninth Court of Appeals District, Beaumont. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Ninth Court of Appeals District, Beaumont. In order to achieve the objectives and service standards established by this Act, the Ninth Court of Appeals District, Beaumont shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**TENTH COURT OF APPEALS DISTRICT, WACO**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,194,812	\$ 1,355,507
<u>Other Funds</u>		
Judicial Fund No. 573	92,450	92,450
Appropriated Receipts	10,000	10,000
Subtotal, Other Funds	<u>\$ 102,450</u>	<u>\$ 102,450</u>
<b>Total, Method of Financing</b>	<u>\$ 1,297,262</u>	<u>\$ 1,457,957</u>

**This bill pattern represents an estimated 98.4% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 15.0 16.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(2) 137,500	(2) 137,500

**Items of Appropriation:**

<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 1,297,262	\$ 1,457,957 & UB

**Grand Total, TENTH COURT OF APPEALS DISTRICT, WACO** \$ 1,297,262 \$ 1,457,957

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,177,617	\$ 1,338,312
Other Personnel Costs	12,000	12,000

**TENTH COURT OF APPEALS DISTRICT, WACO**  
(Continued)

Professional Fees and Services	1,000	1,000
Consumable Supplies	12,575	12,575
Utilities	2,500	2,500
Travel	12,000	12,000
Rent - Machine and Other	800	800
Other Operating Expense	78,770	78,770

**Total, Object-of-Expense Informational Listing** \$ 1,297,262    \$ 1,457,957

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 46,274	\$ 46,968
Group Insurance	118,505	128,364
Social Security	78,388	79,564
Benefits Replacement	1,853	1,761

Subtotal, Employee Benefits \$ 245,020    \$ 256,657

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 245,020    \$ 256,657

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Tenth Court of Appeals District, Waco. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Tenth Court of Appeals District, Waco. In order to achieve the objectives and service standards established by this Act, the Tenth Court of Appeals District, Waco shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**ELEVENTH COURT OF APPEALS DISTRICT, EASTLAND**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,218,847	\$ 1,359,347
<u>Other Funds</u>		
Judicial Fund No. 573	92,450	92,450
Appropriated Receipts	8,000	8,000
Subtotal, Other Funds	\$ 100,450	\$ 100,450
<b>Total, Method of Financing</b>	\$ 1,319,297	\$ 1,459,797

**This bill pattern represents an estimated 95% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 17.0                      18.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(2) 137,500	(2) 137,500

## ELEVENTH COURT OF APPEALS DISTRICT, EASTLAND

(Continued)

**Items of Appropriation:**

**A. Goal:** APPELLATE COURT OPERATIONS

<b>A.1.1. Strategy:</b> APPELLATE COURT OPERATIONS	\$ 1,319,297	\$ 1,459,797 & UB
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<b>Grand Total, ELEVENTH COURT OF APPEALS DISTRICT, EASTLAND</b>	<u>\$ 1,319,297</u>	<u>\$ 1,459,797</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,185,336	\$ 1,325,836
Other Personnel Costs	33,630	34,050
Consumable Supplies	7,000	7,000
Utilities	13,000	13,000
Travel	14,000	14,000
Rent - Machine and Other	6,000	6,000
Other Operating Expense	<u>60,331</u>	<u>59,911</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 1,319,297</u>	<u>\$ 1,459,797</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 43,598	\$ 44,252
Group Insurance	139,326	150,131
Social Security	80,639	81,849
Benefits Replacement	<u>8,285</u>	<u>7,871</u>

Subtotal, Employee Benefits	<u>\$ 271,848</u>	<u>\$ 284,103</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 271,848</u>	<u>\$ 284,103</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Eleventh Court of Appeals District, Eastland. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Eleventh Court of Appeals District, Eastland. In order to achieve the objectives and service standards established by this Act, the Eleventh Court of Appeals District, Eastland shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> APPELLATE COURT OPERATIONS		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

## TWELFTH COURT OF APPEALS DISTRICT, TYLER

	For the Years Ending	
	August 31,	August 31,
	<u>2010</u>	<u>2011</u>

<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,278,884	\$ 1,355,507

<u>Other Funds</u>		
Judicial Fund No. 573	92,450	92,450
Appropriated Receipts	6,500	6,500

Subtotal, Other Funds	<u>\$ 98,950</u>	<u>\$ 98,950</u>
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<b>Total, Method of Financing</b>	<u>\$ 1,377,834</u>	<u>\$ 1,454,457</u>
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**TWELFTH COURT OF APPEALS DISTRICT, TYLER**  
(Continued)

**This bill pattern represents an estimated 98.6% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 16.0 17.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(2) 137,500	(2) 137,500

**Items of Appropriation:**

**A. Goal:** APPELLATE COURT OPERATIONS

<b>A.1.1. Strategy:</b> APPELLATE COURT OPERATIONS	\$ 1,377,834	\$ 1,454,457 & UB
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**Grand Total, TWELFTH COURT OF APPEALS DISTRICT, TYLER**

	<u>\$ 1,377,834</u>	<u>\$ 1,454,457</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,276,835	\$ 1,353,458
Other Personnel Costs	15,280	16,540
Consumable Supplies	7,000	7,000
Utilities	6,730	6,730
Travel	12,500	12,500
Rent - Machine and Other	8,500	8,500
Other Operating Expense	<u>50,989</u>	<u>49,729</u>

**Total, Object-of-Expense Informational Listing**

	<u>\$ 1,377,834</u>	<u>\$ 1,454,457</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 51,042	\$ 51,808
Group Insurance	148,893	162,338
Social Security	84,464	85,731
Benefits Replacement	<u>3,707</u>	<u>3,522</u>

Subtotal, Employee Benefits

	<u>\$ 288,106</u>	<u>\$ 303,399</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	<u>\$ 288,106</u>	<u>\$ 303,399</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Twelfth Court of Appeals District, Tyler. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Twelfth Court of Appeals District, Tyler. In order to achieve the objectives and service standards established by this Act, the Twelfth Court of Appeals District, Tyler shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> APPELLATE COURT OPERATIONS		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**THIRTEENTH COURT OF APPEALS DISTRICT, CORPUS CHRISTI-EDINBURG**

	For the Years Ending	
	August 31,	August 31,
	<u>2010</u>	<u>2011</u>

**Method of Financing:**

General Revenue Fund	\$ 2,221,635	\$ 2,453,065
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**THIRTEENTH COURT OF APPEALS DISTRICT, CORPUS CHRISTI-EDINBURG**  
(Continued)

<u>Other Funds</u>		
Judicial Fund No. 573	182,900	182,900
Appropriated Receipts	18,000	18,000
Interagency Contracts	36,000	36,000

Subtotal, Other Funds	\$ 236,900	\$ 236,900
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<b>Total, Method of Financing</b>	<b>\$ 2,458,535</b>	<b>\$ 2,689,965</b>
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**This bill pattern represents an estimated 98.4% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):</b>	32.0	33.5
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**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(5) 137,500	(5) 137,500

**Items of Appropriation:**

<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>A.1.1. Strategy: APPELLATE COURT OPERATIONS</b>	\$ 2,458,535	\$ 2,689,965 & UB

<b>Grand Total, THIRTEENTH COURT OF APPEALS DISTRICT, CORPUS CHRISTI-EDINBURG</b>	<b>\$ 2,458,535</b>	<b>\$ 2,689,965</b>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,288,651	\$ 2,520,081
Other Personnel Costs	38,680	38,680
Consumable Supplies	16,800	16,800
Travel	23,500	23,500
Rent - Building	35	35
Rent - Machine and Other	2,500	2,500
Other Operating Expense	44,200	44,200
Capital Expenditures	44,169	44,169

<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 2,458,535</b>	<b>\$ 2,689,965</b>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 92,891	\$ 94,284
Group Insurance	215,064	231,781
Social Security	164,295	166,759
Benefits Replacement	5,801	5,511

Subtotal, Employee Benefits	\$ 478,051	\$ 498,335
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 478,051</b>	<b>\$ 498,335</b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Thirteenth Court of Appeals District, Corpus Christi-Edinburg. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Thirteenth Court of Appeals District, Corpus Christi-Edinburg. In order to achieve the objectives and service standards established by this Act, the Thirteenth Court of Appeals District, Corpus Christi-Edinburg shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: APPELLATE COURT OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%
Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

## FOURTEENTH COURT OF APPEALS DISTRICT, HOUSTON

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 3,425,424	\$ 3,678,642
<u>Other Funds</u>		
Judicial Fund No. 573	273,350	273,350
Appropriated Receipts	11,539	11,539
Interagency Contracts	42,500	42,500
Subtotal, Other Funds	\$ 327,389	\$ 327,389
<b>Total, Method of Financing</b>	\$ 3,752,813	\$ 4,006,031

**This bill pattern represents an estimated 90.5% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 47.0                      50.0

**Schedule of Exempt Positions:**

Chief Justice	\$140,000	\$140,000
Justice	(8) 137,500	(8) 137,500

**Items of Appropriation:**

<b>A. Goal:</b> APPELLATE COURT OPERATIONS		
<b>A.1.1. Strategy:</b> APPELLATE COURT OPERATIONS	\$ 3,752,813	\$ 4,006,031 & UB

<b>Grand Total, FOURTEENTH COURT OF APPEALS DISTRICT, HOUSTON</b>	\$ 3,752,813	\$ 4,006,031
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 3,530,211	\$ 3,778,629
Other Personnel Costs	53,334	58,134
Professional Fees and Services	1,362	1,362
Consumable Supplies	21,637	21,637
Travel	8,451	8,451
Rent - Building	5,388	5,388
Other Operating Expense	132,430	132,430
<b>Total, Object-of-Expense Informational Listing</b>	\$ 3,752,813	\$ 4,006,031

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 121,777	\$ 123,603
Group Insurance	334,281	361,040
Social Security	229,549	232,992
Benefits Replacement	8,109	7,704
Subtotal, Employee Benefits	\$ 693,716	\$ 725,339
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 693,716	\$ 725,339

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Fourteenth Court of Appeals District, Houston. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Fourteenth Court of Appeals District, Houston. In order to achieve the objectives and service standards established by this Act, the Fourteenth Court of Appeals District, Houston shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal:</b> APPELLATE COURT OPERATIONS		
<b>Outcome (Results/Impact):</b>		
Clearance Rate	100%	100%

**FOURTEENTH COURT OF APPEALS DISTRICT, HOUSTON**  
(Continued)

Percentage of Cases Under Submission for Less Than One Year	100%	100%
Percentage of Cases Pending for Less Than Two Years	100%	100%

**OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL**

	For the Years Ending August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
<b>Method of Financing:</b>		
General Revenue Fund <sup>1,2</sup>	\$ 14,381,403	\$ 10,842,217
GR Dedicated - Fair Defense Account No. 5073	29,614,045	29,614,044
<u>Other Funds</u>		
Appropriated Receipts	21,784	22,004
Interagency Contracts	4,970,300	4,976,402
Subtotal, Other Funds	<u>\$ 4,992,084</u>	<u>\$ 4,998,406</u>
<b>Total, Method of Financing</b>	<u>\$ 48,987,532</u>	<u>\$ 45,454,667</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 41,238	\$ 42,521
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>1</sup></b>	195.0	198.3
<b>Schedule of Exempt Positions:</b>		
Administrative Director, Group 4	\$121,847	\$121,847
<b>Items of Appropriation:</b>		
<b>A. Goal: PROCESSES AND INFORMATION</b>		
Improve Processes and Report Information.		
<b>A.1.1. Strategy: COURT ADMINISTRATION<sup>1,2</sup></b>	\$ 2,493,677	\$ 3,461,128 & UB
<b>A.1.2. Strategy: INFORMATION TECHNOLOGY</b>	\$ 7,443,066	\$ 3,481,407 & UB
<b>A.1.3. Strategy: DOCKET EQUALIZATION</b>	\$ 16,875	\$ 16,875 & UB
Equalization of the Courts of Appeals Dockets.		
<b>A.1.4. Strategy: ASSIST ADMIN JUDICIAL REGIONS</b>	\$ 202,620	\$ 202,840 & UB
Assistance to the Administrative Judicial Regions.		
<b>A.2.1. Strategy: INDIGENT DEFENSE<sup>1</sup></b>	<u>\$ 29,614,045</u>	<u>\$ 29,065,130</u>
Indigent Defense Standards and Services.		
<b>Total, Goal A: PROCESSES AND INFORMATION</b>	<u>\$ 39,770,283</u>	<u>\$ 36,227,380</u>
<b>B. Goal: SPECIALTY COURT PROGRAMS</b>		
Complete Specialty Court Program Cases.		
<b>B.1.1. Strategy: CHILD SUPPORT COURTS PROGRAM</b>	\$ 6,449,848	\$ 6,458,048 & UB

<sup>1</sup> Incorporates Article IX, § 17.104, of this Act, due to the enactment of SB 1091, 81<sup>st</sup> Legislature, Regular Session, relating to the establishment of the Office of Capital Writs, resulting in an increase in General Revenue of \$171,520 in FY 2011; the transfer of \$323,000 in General Revenue from the Judiciary Section, Comptroller's Department, Strategy D.1.6, Death Penalty Representation, in FY 2011; the transfer of \$548,914 in General Revenue-Dedicated Fair Defense Account No. 5043 funds from Strategy A.2.1, Indigent Defense, in FY 2011, and 3.3 FTEs in FY 2011.

<sup>2</sup> Incorporates Article IX, § 17.89, of this Act, due to the enactment of SB 497, 81<sup>st</sup> Legislature, Regular Session, relating to compensation paid to certain judges and justices, resulting in a transfer of \$63,250 in General Revenue per fiscal year from the Office of Court Administration, Strategy A.1.1, Court Administration, to the Judiciary Section, Comptroller's Department, Strategy A.1.1, District Judges.

**OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL**  
(Continued)

<b>B.1.2. Strategy:</b> CHILD PROTECTION COURTS PROGRAM	\$ 2,512,015	\$ 2,510,565 & UB
<b>Total, Goal B:</b> SPECIALTY COURT PROGRAMS	<u>\$ 8,961,863</u>	<u>\$ 8,968,613</u>
<b>C. Goal:</b> CERTIFY INDIVIDUALS AND BUSINESSES Certify Qualified Individuals and Businesses.		
<b>C.1.1. Strategy:</b> COURT REPORTERS CERT BOARD	\$ 165,603	\$ 165,803 & UB
Court Reporters Certification Board.		
<b>C.1.2. Strategy:</b> TEXASONLINE	\$ 10,488	\$ 13,576 & UB
TexasOnline. Estimated and Nontransferable.		
<b>C.1.3. Strategy:</b> GUARDIANS AND PROCESS SERVERS	\$ 79,295	\$ 79,295 & UB
<b>Total, Goal C:</b> CERTIFY INDIVIDUALS AND BUSINESSES	<u>\$ 255,386</u>	<u>\$ 258,674</u>
<b>Grand Total,</b> OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL	<u>\$ 48,987,532</u>	<u>\$ 45,454,667</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 12,735,799	\$ 12,740,219
Other Personnel Costs	306,097	311,420
Professional Fees and Services	1,685,297	547,947
Consumable Supplies	66,640	61,640
Utilities	51,359	51,360
Travel	652,174	612,674
Rent - Building	19,268	19,268
Rent - Machine and Other	11,786	11,786
Other Operating Expense	3,995,356	2,389,373
Grants	28,214,461	28,708,980
Capital Expenditures	<u>1,249,295</u>	<u>0</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 48,987,532</u>	<u>\$ 45,454,667</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 756,794	\$ 768,146
Group Insurance	1,105,897	1,187,369
Social Security	908,054	921,675
Benefits Replacement	<u>70,895</u>	<u>67,350</u>
Subtotal, Employee Benefits	<u>\$ 2,841,640</u>	<u>\$ 2,944,540</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 220,811</u>	<u>\$ 221,306</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 3,062,451</u>	<u>\$ 3,165,846</u>

**1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of Court Administration, Texas Judicial Council. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of Court Administration, Texas Judicial Council. In order to achieve the objectives and service standards established by this Act, the Office of Court Administration, Texas Judicial Council shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> PROCESSES AND INFORMATION		
<b>Outcome (Results/Impact):</b>		
Percent of Entities Reporting Case Statistics Electronically	73%	73%
Average Percentage Point Increase in Collection Rate for Mandatory Collection Improvement Progress	16	16
Percent of Counties Receiving State Funds for Indigent Defense	95%	95%



**OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL**  
(Continued)

**B. Goal: SPECIALTY COURT PROGRAMS**

**Outcome (Results/Impact):**

Child Support Courts Case Disposition Rate	100%	100%
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**B.1.2. Strategy: CHILD PROTECTION COURTS PROGRAM**

**Output (Volume):**

Number of Children Who Have Received a Final Order	4,816	4,909
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**C. Goal: CERTIFY INDIVIDUALS AND BUSINESSES**

**Outcome (Results/Impact):**

Percentage of Licensees with No Recent Violations	99.6%	99.6%
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**C.1.1. Strategy: COURT REPORTERS CERT BOARD**

**Output (Volume):**

Number of New Licenses Issued to Individuals	65	65
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- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Computer Equipment and Software	\$ 1,015,026	\$ UB
(2) Texas Appeals Management and E-Filing System	1,488,023	UB
(3) Texas Data Enabled Courts for Kids	560,370	560,370 & UB
(4) Child Support Docket Case Management System Rewrite for Child Support Courts	542,000	UB
(5) Judicial Data Management Rewrite	379,850	UB
(6) Judicial Emergency Data Infrastructure	410,000	UB
 Total, Acquisition of Information Resource Technologies	 \$ 4,395,269	 \$ 560,370
 Total, Capital Budget	 \$ 4,395,269	 \$ 560,370

Method of Financing (Capital Budget):

General Revenue Fund

General Revenue Fund	\$ 3,834,899	\$ 0
Subtotal, General Revenue Fund	\$ 3,834,899	\$ 0

Other Funds

Interagency Contracts	560,370	560,370
Subtotal, Other Funds	\$ 560,370	\$ 560,370

Total, Method of Financing	\$ 4,395,269	\$ 560,370
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- 3. Restriction, Assistance to the Administrative Judicial Regions.** Funds appropriated in Strategy A.1.4, Assistance to Administrative Judicial Regions, may be used only for the payment of salaries of administrative assistants employed by the presiding judges of the Administrative Judicial Regions pursuant to Government Code § 74.050, as amended. The salaries paid the administrative assistants may be supplemented from sources other than appropriations provided by this Act.

- 4. Information Regarding Allocation of Full-Time-Equivalent Positions.** The following data regarding allocation of the "Number of Full-Time-Equivalent Positions (FTE)" is provided for informational purposes only, and should not be construed as a cap on the number of FTEs in any one strategy: Strategy A.1.1, Court Administration (36.8 FTEs)<sup>3</sup>; Strategy A.1.2, Information Technology (28.0); Strategy A.1.4, Assistance to Administrative Judicial Regions (2.0 FTEs); Strategy A.2.1, Indigent Defense (10.0 FTEs); Strategy B.1.1, Child Support Courts Program

<sup>3</sup> Includes an additional 3.3 FTEs in FY 2011 due to the enactment of SB 1091 relating to the establishment of the Office of Capital Writs.

**OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL**  
(Continued)

(86.5 FTEs); Strategy B.1.2, Child Protection Courts Program (31.0 FTEs); and Strategy C.1.1, Court Reporters Certification Board (3.0 FTEs); and Strategy C.1.3, Guardians and Process Servers (1.0).

5. **Information Services for the Trial Courts.** Out of funds appropriated above in Strategy A.1.2, Information Technology, no less than \$4,057,643 shall be dedicated to providing information services for the Trial Courts. In accordance with Government Code § 2175.307 that exempts the Office of Court Administration from certain requirements relating to the disposition of computer equipment, the agency is directed to give preference to a local or state governmental entity in the judicial branch of local or state government when disposing of surplus or salvage computer equipment.
6. **Information Technology Equipment and Services.** It is the intent of the Legislature that the Office of Court Administration provide staff and information technology equipment and services for the Judicial Committee on Information Technology and information technology equipment and services for the appellate courts, State Law Library, Office of the State Prosecuting Attorney, Court Reporters Certification Board, and State Commission on Judicial Conduct subject to funds available within amounts appropriated above for Strategy A.1.2, Information Technology.
7. **District Court Performance Measures.** It is the intent of the Legislature that the Office of Court Administration report data for the district courts on a countywide basis and that the data measure countywide clearance rates for criminal, civil, and juvenile cases and measure age of cases disposed and the backlog index for criminal and civil cases. Further, the Office of Court Administration should revise its reporting system for the trial courts to simplify reporting, improve data collection and compliance, and streamline its annual report of the Texas judicial system.
8. **Appellate Court Performance Measures.** It is the intent of the Legislature that the current performance measures for the appellate courts continue to be used for caseload management by each court in accordance with uniform data reporting standards approved by the courts of appeals. Further, the appellate courts should continuously find ways to operate efficiently without sacrificing the quality of justice while remaining true to the rule of law. Finally, the Office of Court Administration should continue to study whether the statistical data currently reported is presented in a clear, understandable format and what, if any, additional data should be collected.
9. **Assistance to Presiding Judges of the Nine Administrative Judicial Regions.** The Office of Court Administration shall assist the presiding judges of the nine administrative judicial regions in seeking alternative funding, including federal funding, for payments to visiting judges serving in the nine administrative judicial regions.
10. **Interagency Contract for Assigned Judges for Child Protection Courts.** Out of funds appropriated above to Strategy B.1.2, Child Protection Courts Program, the Office of Court Administration may enter into a contract with the Office of the Comptroller for fiscal years 2010 and 2011, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the Child Protection Courts established pursuant to Subchapter C, Chapter 201, Family Code. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the Child Protection Courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.2, Visiting Judges - Regions in the Judiciary Section, Comptroller's Department.
11. **Indigent Defense.** Except as otherwise provided by Article IX, Section 17.104 of this Act relating to the establishment of the Office of Capital Writs, all amounts deposited into the Fair Defense Account (General Revenue - Dedicated Account No. 5073) are appropriated in Strategy A.2.1, Indigent Defense.<sup>4</sup> Any amounts deposited in excess of \$29,614,045 in fiscal year 2010 and \$29,065,130 in fiscal year 2011 are hereby appropriated to the Office of Court Administration, Texas Judicial Council for the same purpose. Any unexpended balances in the Fair Defense Account at the end of fiscal year 2009 are hereby appropriated for fiscal year 2010 to the Office of Court Administration, Texas Judicial Council for the same purpose (estimated to be \$0). Any unexpended balances in the Fair Defense Account at the end of fiscal year 2010 are hereby appropriated for fiscal year 2011 to the Office of Court Administration, Texas Judicial Council for the same purpose. Included above in Strategy A.2.1, Indigent Defense, is \$870,500 in fiscal year 2010 and \$870,500 in fiscal year 2011 for the administration of the Task Force on Indigent

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<sup>4</sup> Incorporates Article IX, § 17.104, of this Act, due to the enactment of SB 1091, 81<sup>st</sup> Legislature, Regular Session, relating to the establishment of the Office of Capital Writs, resulting in a decrease of \$548,914 in Strategy A.2.1, Indigent Defense, in FY 2011 out of the General Revenue-Dedicated Fair Defense Account No. 5073, due to the transfer of these funds to Strategy A.1.1, Court Administration.

**OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL**  
(Continued)

Defense. The Task Force on Indigent Defense shall have authority to make grants to counties from the Fair Defense Account, with funds being disbursed by the Comptroller. In no event shall the appropriation made by this section be used to offset the Office of Court Administration's administrative support provided to the Task Force on Indigent Defense.

- 12. Appropriations Limited to Revenue Collections.** It is the intent of the Legislature that fees, fines and other miscellaneous revenues as authorized and generated by the Court Reporters Certification Board cover, at a minimum, the cost of the appropriations made above in Strategy C.1.1, Court Reporters Certification Board, and Strategy C.1.2, TexasOnline, as well as an amount equal to the amount identified above in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act." In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 13. Innocence Projects.** Out of amounts appropriated above in Strategy A.2.1, Indigent Defense, \$400,000 in each year of the biennium from the General Revenue-Dedicated Fair Defense Account No. 5073 shall be used by the Task Force on Indigent Defense to contract with law schools at the University of Houston, the University of Texas, Texas Tech University, and Texas Southern University for innocence projects. It is the intent of the Legislature that the amount of each contract with each university shall be \$100,000. Any unexpended balances in the \$400,000 in funds designated for innocence projects as of August 31, 2010 are hereby appropriated to Strategy A.2.1, Indigent Defense for the same purpose for the fiscal year beginning September 1, 2010.
- 14. Performance Reporting for the Collection Improvement Program.** The Office of Court Administration shall report on an annual basis the following information to the Legislative Budget Board and the Governor: (1) the number of mandatory programs in operation; (2) the number of mandatory programs not in compliance; (3) the number of voluntary programs in operation; (4) the number of new voluntary programs in operation; (5) the total additional state revenue per voluntary program; and (6) per program revenue from all participating programs. The Office of Court Administration should seek to increase the number of voluntary programs by five each fiscal year.
- 15. Lump Sum Payments for Child Support Courts Program.** Included in amounts appropriated above for Strategy B.1.1, Child Support Courts Program, is \$50,000 in fiscal year 2010 and \$50,000 in fiscal year 2011 shall be used only for the purpose of paying lump sum termination payments for child support court employees in the event of the employee's separation from state employment in accordance with existing statutes and rules governing these payments. Any unexpended balances in appropriations made for this purpose for fiscal year 2010 are appropriated to the Office of Court Administration in fiscal year 2011 for the same purposes.

**OFFICE OF THE STATE PROSECUTING ATTORNEY**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 425,502	\$ 425,502
Interagency Contracts	34,450	34,450
<b>Total, Method of Financing</b>	<b>\$ 459,952</b>	<b>\$ 459,952</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	5.0	5.0
<b>Schedule of Exempt Positions:</b>		
State Prosecuting Attorney	\$125,000	\$125,000

**OFFICE OF THE STATE PROSECUTING ATTORNEY**  
(Continued)

**Items of Appropriation:**

**A. Goal:** REPRESENTATION BEFORE CCA

Representation of the State before the Court of Criminal Appeals.

<b>A.1.1. Strategy:</b> REPRESENTATION BEFORE CCA	\$ 459,952	\$ 459,952 & UB
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Representation of the State before the Court of Criminal Appeals.

<b>Grand Total, OFFICE OF THE STATE PROSECUTING ATTORNEY</b>	<u>\$ 459,952</u>	<u>\$ 459,952</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 410,000	\$ 410,000
Other Personnel Costs	11,336	11,336
Professional Fees and Services	1,000	1,000
Consumable Supplies	1,380	1,380
Utilities	6,498	6,498
Travel	3,850	3,850
Rent - Machine and Other	3,000	3,000
Other Operating Expense	19,488	19,488
Capital Expenditures	<u>3,400</u>	<u>3,400</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 459,952</u>	<u>\$ 459,952</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 21,244	\$ 21,563
Group Insurance	35,405	38,965
Social Security	32,821	33,313
Benefits Replacement	<u>2,780</u>	<u>2,641</u>

Subtotal, Employee Benefits	<u>\$ 92,250</u>	<u>\$ 96,482</u>
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Debt Service

Lease Payments	<u>\$ 89,266</u>	<u>\$ 89,461</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 181,516</u>	<u>\$ 185,943</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of the State Prosecuting Attorney. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of the State Prosecuting Attorney. In order to achieve the objectives and service standards established by this Act, the Office of the State Prosecuting Attorney shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> REPRESENTATION BEFORE CCA		
<b>Outcome (Results/Impact):</b>		
Petitions for Discretionary Review Granted by the Court of Criminal Appeals	20	20

**STATE LAW LIBRARY**

	For the Years Ending	
	August 31,	August 31,
	<u>2010</u>	<u>2011</u>

<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,084,463	\$ 1,083,061

<u>Other Funds</u>		
Appropriated Receipts	42,000	42,000

**STATE LAW LIBRARY**  
(Continued)

Interagency Contracts	1,000	1,000
Subtotal, Other Funds	\$ 43,000	\$ 43,000
<b>Total, Method of Financing</b>	<b>\$ 1,127,463</b>	<b>\$ 1,126,061</b>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):</b>	13.0	13.0
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**Schedule of Exempt Positions:**

Director, Group 1	\$70,180	\$70,180
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**Items of Appropriation:**

**A. Goal: ADMINISTRATION AND OPERATIONS**

<b>A.1.1. Strategy: ADMINISTRATION AND OPERATIONS</b>	\$ 1,127,463	\$ 1,126,061
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<b>Grand Total, STATE LAW LIBRARY</b>	<b>\$ 1,127,463</b>	<b>\$ 1,126,061</b>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 591,180	\$ 591,180
Other Personnel Costs	7,720	8,480
Consumable Supplies	4,200	4,200
Rent - Building	240	240
Rent - Machine and Other	21,504	21,504
Other Operating Expense	356,187	352,428
Capital Expenditures	146,432	148,029

<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 1,127,463</b>	<b>\$ 1,126,061</b>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 28,300	\$ 28,724
Group Insurance	48,094	51,364
Social Security	33,909	34,417
Benefits Replacement	927	880

Subtotal, Employee Benefits	\$ 111,230	\$ 115,385
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Debt Service

Lease Payments	\$ 320,625	\$ 321,343
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 431,855</b>	<b>\$ 436,728</b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the State Law Library. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the State Law Library. In order to achieve the objectives and service standards established by this Act, the State Law Library shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: ADMINISTRATION AND OPERATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Positive Evaluations of Library Service by Library Users	97%	97%

- 2. Appropriation of Receipts: Fees and Service Charges.** Appropriations above in Strategy A.1.1, Administration and Operations, include \$42,000 in fiscal year 2010 and \$42,000 in fiscal year 2011 from collection of fees and service charges. All receipts collected by the State Law Library as fees and service charges, as authorized pursuant to Government Code § 91.011, in excess of such amounts appropriated above, are hereby appropriated to the State Law Library for the biennium beginning September 1, 2009.

**STATE LAW LIBRARY**  
(Continued)

3. **Interagency Document Delivery and Library Services.** The State Law Library is hereby authorized to enter into interagency contracts with other state agencies and the courts for providing document delivery and library service. Appropriations above in Strategy A.1.1, Administration and Operations, include \$1,000 in fiscal year 2010 and \$1,000 in fiscal year 2011 in interagency contracts for document delivery and library services. The State Law Library shall charge an amount for this service equal to the cost to the library for providing this service.
4. **Fee Schedule, Duplication Services.** The State Law Library shall set a fee schedule for duplication services to the inmates of the Texas Department of Criminal Justice at the same amount per page as charged to the general public.
5. **Unexpended Balances.** Any unexpended and unobligated balances remaining in Strategy A.1.1, Administration and Operations, as of August 31, 2010, are hereby appropriated for fiscal year 2011, in an amount not to exceed \$50,000, to the State Law Library for the purpose of acquiring legal reference materials.

**STATE COMMISSION ON JUDICIAL CONDUCT**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,001,626	\$ 996,626
<b>Total, Method of Financing</b>	<b>\$ 1,001,626</b>	<b>\$ 996,626</b>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	14.0	14.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 3	\$110,000	\$110,000
<b>Items of Appropriation:</b>		
<b>A. Goal: ADMINISTRATION AND ENFORCEMENT</b>		
<b>A.1.1. Strategy: ADMINISTRATION AND ENFORCEMENT</b>	\$ 1,001,626	\$ 996,626 & UB
<b>Grand Total, STATE COMMISSION ON JUDICIAL CONDUCT</b>	<b>\$ 1,001,626</b>	<b>\$ 996,626</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 835,260	\$ 835,260
Other Personnel Costs	20,500	15,500
Professional Fees and Services	25,575	25,575
Consumable Supplies	7,000	7,000
Utilities	1,100	1,100
Travel	54,600	54,600
Rent - Building	2,000	2,000
Rent - Machine and Other	2,600	2,600
Other Operating Expense	52,991	52,991
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 1,001,626</b>	<b>\$ 996,626</b>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 50,411	\$ 51,167
Group Insurance	106,258	115,576
Social Security	58,127	58,999
Benefits Replacement	927	880
Subtotal, Employee Benefits	<b>\$ 215,723</b>	<b>\$ 226,622</b>

**STATE COMMISSION ON JUDICIAL CONDUCT**  
(Continued)

<u>Debt Service</u>		
Lease Payments	\$ 61,004	\$ 61,141
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 276,727</u>	<u>\$ 287,763</u>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the State Commission on Judicial Conduct. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the State Commission on Judicial Conduct. In order to achieve the objectives and service standards established by this Act, the State Commission on Judicial Conduct shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: ADMINISTRATION AND ENFORCEMENT Outcome (Results/Impact):</b>		
Percentage of Cases Disposed	100%	100%

- 2. Unexpended Balances.** The State Commission on Judicial Conduct is hereby authorized to carry forward unexpended balances from fiscal year 2010 into fiscal year 2011.
- 3. Formal Proceedings and Appeals.** Out of the amounts appropriated above in Strategy A.1.1, Administration and Enforcement, \$21,375 in fiscal year 2010 and \$21,375 in fiscal year 2011 are authorized for the expenses of formal proceedings and appeals initiated under the *Procedural Rules for the Removal or Retirement of Judges* promulgated under Texas Constitution, Article V, Section 1-a, notwithstanding other funds expended by the Commission for that purpose. Any unexpended balance of funds authorized under this provision on August 31, 2010 may be allocated for the same purpose and for purposes other than formal proceedings and appeals for the fiscal year beginning September 1, 2010.
- 4. Investigator Travel.** Out of funds appropriated above in Strategy A.1.1, Administration and Enforcement, \$5,000 in fiscal year 2010 and \$5,000 in fiscal year 2011 shall be used only for the purpose of conducting investigator travel within the State of Texas to investigate possible cases of judicial misconduct.

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**

	For the Years Ending	
	<u>August 31, 2010</u>	<u>August 31, 2011</u>
<b>Method of Financing:</b>		
<u>General Revenue Fund</u>		
General Revenue Fund <sup>1, 2, 3, 4, 5</sup>	\$ 87,082,981	\$ 87,806,554

<sup>1</sup> Incorporates Article IX, § 17.76, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of district courts, resulting in an increase in General Revenue of \$241,319 and \$429,011, in Judicial Fund No. 573 of \$174,746 and \$310,660, and 3.0 and 5.0 FTEs, in FY 2010 and FY 2011 respectively.

<sup>2</sup> Incorporates Article IX, § 17.120, of this Act, due to the enactment of SB 2298, 81<sup>st</sup> Legislature, Regular Session, relating to the compensation of certain state employees, resulting in an increase in General Revenue of \$33,000 each fiscal year.

<sup>3</sup> Incorporates Article IX, § 17.89, of this Act, due to the enactment of SB 497, 81<sup>st</sup> Legislature, Regular Session, relating to compensation paid to certain judges and justices, resulting in a transfer of \$63,250 per fiscal year in General Revenue from the Office of Court Administration to the Judiciary Section, Comptroller's Department.

<sup>4</sup> Incorporates Article IX, § 17.106, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the duties and salary of the Swisher County Attorney, resulting in an increase in General Revenue of \$85,700 each fiscal year, and in the Judicial Fund No. 573 of \$11,250 each fiscal year, and 1.0 FTE each fiscal year for the new professional prosecutor.

<sup>5</sup> Incorporates Article IX, § 17.104, of this Act, due to the enactment of SB 1091, 81<sup>st</sup> Legislature, Regular Session, relating to the establishment of the Office of Capital Writs, resulting in a transfer of \$323,000 in General Revenue in FY 2011 to the Office of Court Administration in Strategy A.1.1, Court Administration, to implement provisions of the legislation.

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	1,267,249	1,296,972
Subtotal, General Revenue Fund	<u>\$ 88,350,230</u>	<u>\$ 89,103,526</u>
<b>Other Funds</b>		
State Highway Fund No. 006	1,052,257	1,075,944
Felony Prosecutor Supplement Fund No. 303	3,759,000	3,759,000
Criminal Justice Grants	1,507,607	1,507,607
Judicial Fund No. 573 <sup>6, 7, 8</sup>	49,575,477	49,767,641
Interagency Contracts	207,000	207,000
Subtotal, Other Funds	<u>\$ 56,101,341</u>	<u>\$ 56,317,192</u>
<b>Total, Method of Financing</b>	<u>\$ 144,451,571</u>	<u>\$ 145,420,718</u>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):</b> <sup>6, 7</sup>	611.0	613.0
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**Schedule of Exempt Positions:**

District Judges and Criminal District Judges (Strategy A.1.1.)	(452) \$125,000	(454) \$125,000
District Attorneys, Criminal District Attorneys and County Attorneys (Strategies B.1.1. and B.1.3.)	(7) 100,000	(7) 100,000
County Attorney Performing the Duties of a District Attorney (Strategy B.1.3.)	71,500	71,500
District Attorneys, Criminal District Attorneys and County Attorneys (Strategy B.1.2.) <sup>7</sup>	(149) 125,000	(149) 125,000
Assistant District Attorneys, Fifty-third Judicial District (Strategy B.1.7.)	(2) 2,808	(2) 2,808

**Items of Appropriation:**

**A. Goal: JUDICIAL SALARIES AND PAYMENTS**

<b>A.1.1. Strategy: DISTRICT JUDGES</b> <sup>6, 9, 10</sup>	\$ 55,753,118	\$ 56,076,724
District Judge Salaries. Estimated.		
<b>A.1.2. Strategy: VISITING JUDGES - REGIONS</b>	\$ 5,429,445	\$ 5,429,445 & UB
Per Gov. Code 74.061(c)(d)(h)(i); 24.006(f); and 32.302.		
<b>A.1.3. Strategy: VISITING JUDGES - APPELLATE</b>	\$ 380,618	\$ 380,618 & UB
Per Gov. Code 74.061(c)(d).		
<b>A.1.4. Strategy: LOCAL ADMIN. JUDGE SUPPLEMENT</b>	\$ 75,000	\$ 75,000
Per Gov. Code 659.012(d). Estimated.		
<b>A.1.5. Strategy: DISTRICT JUDGES: TRAVEL</b>	\$ 356,000	\$ 356,000
Per Gov. Code 24.019.		

<sup>6</sup> Incorporates Article IX, § 17.76, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of district courts, resulting in an increase in General Revenue of \$241,319 and \$429,011, in Judicial Fund No. 573 of \$174,746 and \$310,660, and 3.0 and 5.0 FTEs, in FY 2010 and FY 2011 respectively.

<sup>7</sup> Incorporates Article IX, § 17.106, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the duties and salary of the Swisher County Attorney, resulting in an increase in General Revenue of \$85,700 each fiscal year, and in the Judicial Fund No. 573 of \$11,250 each fiscal year, and 1.0 FTE each fiscal year for the new professional prosecutor.

<sup>8</sup> Incorporates Article IX, § 17.106, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of statutory county courts, resulting in an increase in the Judicial Fund No. 573 of \$443,750 and \$500,000 in FY 2010 and FY 2011 respectively.

<sup>9</sup> Incorporates Article IX, § 17.120, of this Act, due to the enactment of SB 2298, 81<sup>st</sup> Legislature, Regular Session, relating to the compensation of certain state employees, resulting in an increase in General Revenue of \$33,000 each fiscal year.

<sup>10</sup> Incorporates Article IX, § 17.89, of this Act, due to the enactment of SB 497, 81<sup>st</sup> Legislature, Regular Session, relating to compensation paid to certain judges and justices, resulting in a transfer of \$63,250 per fiscal year in General Revenue from the Office of Court Administration to the Judiciary Section, Comptroller's Department.



**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

<b>A.1.6. Strategy:</b> JUDICIAL SALARY PER DIEM Per Gov. Code 74.003(c), 74.061 & Assigned District Judges. Estimated.	\$ <u>202,000</u>	\$ <u>202,000</u>
<b>Total, Goal A:</b> JUDICIAL SALARIES AND PAYMENTS	<u>\$ 62,196,181</u>	<u>\$ 62,519,787</u>
<b>B. Goal:</b> PROSECUTOR SALARIES AND PAYMENTS		
<b>B.1.1. Strategy:</b> DISTRICT ATTORNEYS: SALARIES Per Gov. Code 41.013.	\$ 1,262,720	\$ 1,262,720
<b>B.1.2. Strategy:</b> PROFESSIONAL PROSECUTORS: SALARIES <sup>11</sup> Per Gov. Code 46.002; 46.003; and 46.005.	\$ 17,807,120	\$ 17,807,120
<b>B.1.3. Strategy:</b> FELONY PROSECUTORS: SALARIES Per Gov. Code 44.220; 45.175; and 45.280.	\$ 271,500	\$ 271,500
<b>B.1.4. Strategy:</b> PROSECUTORS: SUBCHAPTER C Per Gov. Code 43.180 (Harris) and 41.201(1). Estimated.	\$ 136,023	\$ 136,023
<b>B.1.5. Strategy:</b> FELONY PROSECUTORS: TRAVEL Per Gov. Code 43.004, NTE \$1,750 per County in Multi-County Districts.	\$ 210,000	\$ 210,000
<b>B.1.6. Strategy:</b> FELONY PROSECUTORS: EXPENSES Felony Prosecutors: Reimbursements for Expenses of Office.	\$ 5,338,230	\$ 5,338,230
<b>B.1.7. Strategy:</b> TRAVIS CO. ASST. DA SUPPLEMENTS Travis County Assistant District Attorney Salary Supplements.	<u>\$ 5,616</u>	<u>\$ 5,616</u>
<b>Total, Goal B:</b> PROSECUTOR SALARIES AND PAYMENTS	<u>\$ 25,031,209</u>	<u>\$ 25,031,209</u>
<b>C. Goal:</b> CO.-LEVEL JUDGES SALARY SUPPLEMENTS County-Level Judges Salary Supplement Programs.		
<b>C.1.1. Strategy:</b> CONST. CO. JUDGE GR/573 SUPPLEMENT Salary Supplement per Gov. Code 26.006. Estimated.	\$ 2,115,000	\$ 2,115,000
<b>C.1.2. Strategy:</b> CONST. CO. JUDGE 573 SUPPLEMENT Per Gov. Code 26.006 from Receipts per Gov. Code 51.703(d). Estimated.	\$ 1,586,695	\$ 1,586,695
<b>C.1.3. Strategy:</b> STATUTORY CO. JUDGE 573 SUPPLEMENT <sup>12</sup> Per Gov. Code 25.0015 from Receipts per Gov. Code 51.702(d). Estimated.	\$ 17,319,296	\$ 17,375,546
<b>C.1.4. Strategy:</b> STATUTORY PROBATE JUDGE SUPPLEMENT Per Gov. Code 25.00211 from Receipts per Gov Code 51.704(c). Estimated.	<u>\$ 1,587,000</u>	<u>\$ 1,587,000</u>
<b>Total, Goal C:</b> CO.-LEVEL JUDGES SALARY SUPPLEMENTS	<u>\$ 22,607,991</u>	<u>\$ 22,664,241</u>
<b>D. Goal:</b> SPECIAL PROGRAMS		
<b>D.1.1. Strategy:</b> ASST. PROSECUTOR LONGEVITY PAY Per Gov. Code 41.255(d). Estimated.	\$ 3,759,000	\$ 3,759,000
<b>D.1.2. Strategy:</b> COUNTY ATTORNEY SUPPLEMENT Per Gov. Code 46.0031. Estimated.	\$ 5,342,122	\$ 5,342,122
<b>D.1.3. Strategy:</b> WITNESS EXPENSES Per Code of Criminal Procedure 24.28 and 35.27. Estimated.	\$ 1,315,000	\$ 1,315,000
<b>D.1.4. Strategy:</b> PUBLIC INTEGRITY UNIT, TRAVIS CO  Public Integrity Unit, 53rd Judicial District.	\$ 3,812,356	\$ 3,901,053 & UB

<sup>11</sup> Incorporates Article IX, § 17.106, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the duties and salary of the Swisher County Attorney, resulting in an increase in General Revenue of \$85,700 each fiscal year, and in the Judicial Fund No. 573 of \$11,250 each fiscal year, and 1.0 FTE each fiscal year for the new professional prosecutor.

<sup>12</sup> Incorporates Article IX, § 17.106, of this Act, due to the enactment of HB 4833, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of statutory county courts, resulting in an increase in the Judicial Fund No. 573 of \$443,750 and \$500,000 in FY 2010 and FY 2011 respectively.

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

<b>D.1.5. Strategy:</b> SPECIAL PROSECUTION UNIT, WALKER CO Special Prosecution Unit, Walker County.	\$ 5,507,565	\$ 5,427,141
<b>D.1.6. Strategy:</b> DEATH PENALTY REPRESENTATION <sup>13</sup> Death Penalty Habeas Representation. Estimated.	\$ 323,000	\$ 0
<b>D.1.7. Strategy:</b> NATIONAL CENTER FOR STATE COURTS  National Center for State Courts. Estimated.	\$ 344,471	\$ 361,348 & UB
<b>D.1.8. Strategy:</b> JUROR PAY  Juror Pay. Estimated.	\$ 10,802,000	\$ 10,802,000 & UB
<b>D.1.9. Strategy:</b> SEX OFFENDER TREATMT. & SUPERVISION Sex Offender Treatment and Supervision.	\$ 3,183,676	\$ 4,070,817
<b>D.1.10. Strategy:</b> INDIGENT INMATE DEFENSE  Per Code of Criminal Procedure 26.051(i). Estimated.	\$ 50,000	\$ 50,000 & UB
<b>D.1.11. Strategy:</b> MONTGOMERY CO - 435TH DIST CT STAFF Per Gov. Code 24.579(c).	<u>\$ 177,000</u>	<u>\$ 177,000</u>
<b>Total, Goal D:</b> SPECIAL PROGRAMS	<u>\$ 34,616,190</u>	<u>\$ 35,205,481</u>
<b>Grand Total,</b> JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT	<u>\$ 144,451,571</u>	<u>\$ 145,420,718</u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 86,410,584	\$ 86,814,853
Other Personnel Costs	1,632,853	1,549,752
Professional Fees and Services	1,081,783	1,081,783
Fuels and Lubricants	82,550	82,700
Consumable Supplies	72,190	72,190
Utilities	53,446	53,446
Travel	697,690	697,690
Rent - Building	357,325	367,886
Rent - Machine and Other	27,809	27,809
Other Operating Expense	2,316,299	2,333,176
Grants	<u>51,719,042</u>	<u>52,339,433</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 144,451,571</u>	<u>\$ 145,420,718</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 1,266,582	\$ 1,285,581
Group Insurance	7,139,271	7,795,817
Social Security	5,312,291	5,391,976
Benefits Replacement	<u>297,056</u>	<u>282,203</u>
Subtotal, Employee Benefits	<u>\$ 14,015,200</u>	<u>\$ 14,755,577</u>

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	<u>\$ 14,015,200</u>	<u>\$ 14,755,577</u>
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- 1. Appropriation Source.** Pursuant to Government Code § 21.006, all revenues to, and fund balances in, the Judicial Fund No. 573, which are not deposited into the Basic Civil Legal Services Account, are hereby appropriated to the Judiciary Section, Comptroller's Department. In the event that revenues into Fund No. 573 during a fiscal year exceed the amount identified in the Method of Financing as being appropriated out of Fund No. 573 in this Act for that fiscal year the difference shall be appropriated to the Judiciary Section, Comptroller's Department and the General Revenue Fund appropriation for that fiscal year shall be reduced by a like amount (estimated to be \$0).

<sup>13</sup> Incorporates Article IX, § 17.104, of this Act, due to the enactment of SB 1091, 81<sup>st</sup> Legislature, Regular Session, relating to the establishment of the Office of Capital Writs, resulting in a transfer of \$323,000 in General Revenue in FY 2011 to the Office of Court Administration in Strategy A.1.1, Court Administration, to implement provisions of the legislation.

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

**2. Salary Limitation, District Judges.** Funds appropriated above in Strategy A.1.1, District Judges shall be expended for the payment of the state salary for each district judge. Unless otherwise provided by law, in no event shall the aggregate, excluding any county supplement, of the state paid salary and any service retirement annuity paid pursuant to Government Code, Chapter 834 exceed the base salary for any district court judge during any twelve month period. If a district judge draws a salary as a district judge and a retirement annuity pursuant to Government Code, Chapter 834, and the combined amounts exceed the annual base salary for a district judge, the amount expended out of Strategy A.1.1, District Judges for the state salary of that district judge shall be reduced by an amount which will bring the total amount received by the judge to the base salary paid a district judge for a 12 month period. This provision does not apply to either retired or former judges or justices called to duty as visiting judges pursuant to Government Code, Chapters 74 and 75 and § 24.604 of the Government Code.

**3. Public Integrity Unit: Appropriation Source, Unexpended Balances, and Performance Reporting.** Out of the funds appropriated above in Strategy D.1.4, Public Integrity Unit, Travis County, the following amounts are appropriated specifically to the Public Integrity Unit for the following purposes:

	For the Years Ending August 31, 2010	August 31, 2011
Motor Fuel Tax Fraud Investigations	\$ 1,052,257	\$ 1,075,944 & UB
Method of Financing, State Highway Fund No. 006		
Insurance Fraud Investigations	1,267,249	\$ 1,296,972 & UB
Method of Financing, General Revenue Fund - Insurance Companies Maintenance Tax and Insurance Department Fees		
General State Government Investigations	1,492,850	1,528,137 & UB
Method of Financing, General Revenue Fund		
Total, Method of Financing	\$ 3,812,356	\$ 3,901,053 & UB

In no event shall the funds granted to the Public Integrity Unit exceed the amounts specified. In no event shall any funds appropriated above out of Judicial Fund No. 573 be allocated to the Public Integrity Unit. Any unexpended balances from appropriations made to the Public Integrity Unit for fiscal year 2010 are appropriated to the Public Integrity Unit for fiscal year 2011 for the same purposes.

The Public Integrity Unit shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on fraud investigations of the Public Integrity Unit.

**4. Special Prosecution Unit: Appropriation Source, Unexpended Balances and Performance Reporting.** Out of the funds appropriated above in Strategy D.1.5, Special Prosecution Unit, Walker County and under the authority of Article 104.003, Code of Criminal Procedure, and Article V, § 21 of the Texas Constitution, Walker County, the following amounts are appropriated to the Special Prosecution Unit for the payment of salaries and other necessary expenses for the operation of the Special Prosecution Unit for the following purposes:

	For the Years Ending August 31, 2010	August 31, 2011
Criminal Division	\$ 1,810,897	\$ 1,730,473

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

Civil Division	2,887,883	2,887,883
Juvenile Division	<u>808,785</u>	<u>808,785</u>
	\$ 5,507,565	5,427,141
<u>Method of Financing</u>		
General Revenue	\$ 3,999,958	\$ 3,919,534 &UB
Criminal Justice Division Grants	<u>\$ 1,507,607</u>	<u>\$ 1,507,607</u>
Total, Method of Financing	\$ 5,507,565	\$ 5,427,141

Funds for the Criminal Division are to be used for the investigation and prosecution of felony offenses committed by prisoners of the Texas Department of Criminal Justice; and, for the investigation and prosecution of other felonies and misdemeanors committed by agency employees and others when criminal conduct affects the operation of the agency in the various counties of the State where Texas Department of Criminal Justice facilities are located. Funds for the Civil Division are to be used for the civil commitment of sexually violent predators. Funds for the Juvenile Division are to be used for the prosecution of criminal offenses or delinquent conduct committed in facilities of the Texas Youth Commission.

The funds appropriated above in Strategy D.1.5, Special Prosecution Unit, Walker County shall be used to employ the services of legal and support staff plus the payment of their necessary capital and operating expenses in carrying out the purposes of the Special Prosecution Unit as established by its Board of Directors.

Walker County is the designated agency to administer the funds provided for the support of the Special Prosecution Unit. Walker County shall submit a voucher containing an itemized statement of expenses to include salaries, fringe benefits and authorized expenses incurred to the Judiciary Section, Comptroller's Department each month of the fiscal year. Such vouchers shall be reviewed by the Walker County Auditor's Office to ensure compliance with applicable state and county regulation concerning the expenditures of public funds. Upon receipt of said vouchers, the Judiciary Section, Comptroller's Department shall issue warrants each month to reimburse Walker County. The total reimbursement each year shall not exceed the amount appropriated.

Any unexpended balances from appropriations out of the General Revenue Fund made to the Special Prosecution Unit for fiscal year 2010 are appropriated to the Special Prosecution Unit in fiscal year 2011 for the same purposes.

The Special Prosecution Unit shall submit a report each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor and must include annual statistical information on activities of the Special Prosecution Unit.

5. **Witness Expenses.** The appropriation made above to the Judiciary Section, Comptroller's Department for the payment of witness expenses under the Code of Criminal Procedure is based on legislative intent that such expenses are not paid at rates that exceed the maximum rates provided by law for state employees.
6. **Felony Prosecutors: Expenses.** For the payment of salaries of assistant district attorneys, investigators and/or secretarial help and expenses, including travel for these personnel as determined by the prosecutors designated in Strategies B.1.1, B.1.2, B.1.3, and B.1.4. Reimbursement shall be limited to expenses for supplies or items that would normally be consumed or utilized within the fiscal year for which the funds in this item are designated. Payments shall not exceed \$34,450 per district per year in multi-county districts and \$17,050 per district per year in single-county districts and \$34,450 for both multi-county and single-county districts for those district attorneys, criminal district attorneys and county attorneys performing the duties of a district attorney prohibited from the private practice of law per Government Code, Chapter 46; and shall be made available in three equal installments issued on the first day of September, January and May of each fiscal year. These payments shall be made directly to the district attorney, criminal district attorney, or county attorney for the purposes of disbursement as required by the attorney. The attorney receiving these payments shall be responsible to the Comptroller for accounting for all expenditures of these funds.
7. **Administration of Visiting Judge Strategies.** It is the intent of the Legislature that the Judiciary Section, Comptroller's Department shall maintain a system to account for all expenditures in each

**JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT**  
(Continued)

fiscal year made for the services of 1) visiting former judges serving in the judicial regions, 2) visiting former judges serving in the appellate courts, 3) visiting retired judges serving in the judicial regions, and 4) visiting retired judges serving in the appellate courts.

- 8. Interagency Contract for Sex Offender Treatment and Supervision.** Out of amounts appropriated above to Strategy D.1.9, Sex Offender Treatment and Supervision, the Judiciary Section, Comptroller's Department shall enter into a contract in the amounts of \$3,183,676 in fiscal year 2010 and \$4,070,817 in fiscal year 2011 with the Department of State Health Services for persons under civil commitment as sex offenders requiring continued treatment and supervision.
- 9. Longevity Pay.** Out of the amounts appropriated above in Strategy A.1.1, District Judge Salaries, an estimated \$476,000 in fiscal year 2010 and an estimated \$497,000 in fiscal year 2011 is provided to fund longevity pay for district judges under the provisions of Government Code § 659.0445.
- 10. Public Integrity Unit.** In Strategy D.1.4, Public Integrity Unit, Judiciary Section, Comptroller's Department, warrants shall be drawn as necessary to reimburse the District Attorney of the 53rd Judicial District for salary and expenses previously incurred. The District Attorney shall submit a voucher containing an itemized statement of expenses to substantiate each claim. This appropriation shall be allocated in three equal installments over the fiscal year. Any unencumbered, unexpended balance existing in a previous allocation period may be used in a subsequent period provided that period occurs within the same biennium.

**RETIREMENT AND GROUP INSURANCE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund, estimated	\$ 51,467,684	\$ 52,438,741
General Revenue Dedicated Accounts, estimated	73,851	77,424
Other Special State Funds, estimated	<u>4,710,185</u>	<u>4,869,928</u>
<b>Total, Method of Financing</b>	<u>\$ 56,251,720</u>	<u>\$ 57,386,093</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: EMPLOYEES RETIREMENT SYSTEM</b>		
<b>A.1.1. Strategy: RETIREMENT CONTRIBUTIONS</b> Retirement Contributions. Estimated.	\$ 3,663,420	\$ 3,718,372
<b>A.1.2. Strategy: GROUP INSURANCE</b> Group Insurance. Estimated.	\$ 12,417,584	\$ 13,497,004
<b>A.1.3. Strategy: JUDICIAL RETIREMENT SYSTEM - PLAN 2</b> Judicial Retirement System - Plan 2. Estimated.	\$ 11,258,590	\$ 11,258,590
<b>A.1.4. Strategy: JUDICIAL RETIREMENT SYSTEM - PLAN 1</b> Judicial Retirement System - Plan 1. Estimated.	<u>\$ 28,912,126</u>	<u>\$ 28,912,127</u>
<b>Total, Goal A: EMPLOYEES RETIREMENT SYSTEM</b>	<u>\$ 56,251,720</u>	<u>\$ 57,386,093</u>
<b>Grand Total, RETIREMENT AND GROUP INSURANCE</b>	<u>\$ 56,251,720</u>	<u>\$ 57,386,093</u>

## SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund, estimated	\$ 7,341,717	\$ 7,419,875
General Revenue Dedicated Accounts, estimated	38,791	39,238
Other Special State Funds, estimated	2,247,065	2,280,239
<b>Total, Method of Financing</b>	<b>\$ 9,627,573</b>	<b>\$ 9,739,352</b>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT Comptroller - Social Security.		
<b>A.1.1. Strategy:</b> STATE MATCH -- EMPLOYER State Match — Employer. Estimated.	\$ 9,125,509	\$ 9,262,392
<b>A.1.2. Strategy:</b> BENEFIT REPLACEMENT PAY Benefit Replacement Pay. Estimated.	\$ 502,064	\$ 476,960
<b>Total, Goal A:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT	\$ 9,627,573	\$ 9,739,352
<b>Grand Total,</b> SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY	<b>\$ 9,627,573</b>	<b>\$ 9,739,352</b>

## LEASE PAYMENTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 2,468,899	\$ 2,474,391
<b>Total, Method of Financing</b>	<b>\$ 2,468,899</b>	<b>\$ 2,474,391</b>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> LEASE PAYMENTS	\$ 2,468,899	\$ 2,474,391 & UB
To TFC for Payment to TPFA.		
<b>Grand Total,</b> LEASE PAYMENTS	<b>\$ 2,468,899</b>	<b>\$ 2,474,391</b>

## SPECIAL PROVISIONS - JUDICIARY

**Sec. 2. Judicial Salary Enforcement.** Each District Court Judge and Justice of the Courts of Appeals shall file a sworn statement with the Comptroller of Public Accounts setting forth the yearly amounts to be received from state and county as salary payments during the ensuing fiscal year. Amended statements shall be filed setting forth any change in the salary rate which occurs during a fiscal year.

For the purpose of salary payments by the state, the Comptroller of Public Accounts shall determine from the filed statements that the required salary differential set out in Government Code § 659.012 is maintained, unless otherwise provided by law. In the event a salary is in excess of the differential provided by law, the Comptroller is directed to reduce the state's portion of that salary by the amount of excess.

The appropriations for salaries of District Court Judges and Justices of Courts of Appeals are made contingent upon strict compliance with the provisions of this section and the Comptroller shall have no authority to issue a warrant for salaries which violate these provisions.

**Sec. 3. Restriction, New District Courts.** No new district court may be funded until it has been approved by the commissioner's court of the county or a majority of the counties in that district.

## **SPECIAL PROVISIONS - JUDICIARY**

(Continued)

**Sec. 4. Transfer of Cases.** The Chief Justices of the 14 Courts of Appeals are encouraged to cooperate with the Chief Justice of the Supreme Court to transfer cases between appellate courts which are in neighboring jurisdictions in order to equalize the disparity between the workloads of the various courts of appeals.

**Sec. 5. Systems Compatibility.** No funds shall be utilized to purchase information technology unless it interfaces with other courts and with the Office of Court Administration and complies with the plans filed with the Legislative Budget Board.

**Sec. 6. Judicial Internship Program.** It is the intent of the Legislature that the Judicial Branch cooperate with law schools to establish a judicial internship program for Texas appellate and trial courts. All of the employees and officials of the Judicial Branch of government are encouraged to work with the Texas Judicial Council in the development of the judicial internship program.

**Sec. 7. Appellate Court Exemptions.** The following provisions of Article IX of this Act do not apply to the appellate courts:

- a. Article IX, § 5.08, Limitation on Travel Expenditures
- b. Article IX, § 6.10, Limitation on State Employment Levels
- c. Article IX, § 6.12, Performance Rewards and Penalties
- d. Article IX, §14.03, Limit on Expenditures - Capital Budget

**Sec. 8. Appropriation: Unexpended Balances Between Fiscal Years within the Biennium.** Any unexpended balances from appropriations made to the appellate courts for fiscal year 2010 are hereby appropriated to the same court for fiscal year 2011 for the same purposes.

**Sec. 9. Intermediate Appellate Court Local Funding Information.** The Office of Court Administration shall assist the appellate courts in the submission of a report for local funding information each January 1 to the Legislative Budget Board and the Governor for the preceding fiscal year ending August 31. The report must be in a format prescribed by the Legislative Budget Board and the Governor.

**Sec. 10. Appellate Court Salary Limits.** It is the intent of the Legislature that no intermediate appellate court may pay more than one chief staff attorney promoted or hired after September 1, 2010, more than \$92,400 annually under this provision. Further, it is the intent of the Legislature that no intermediate appellate court may pay other permanent legal staff hired or promoted after September 1, 2010 more than \$79,750 annually. This provision does not apply to law clerk positions at any appellate court.

**Sec. 11. Interagency Contracts for Assigned Judges for Appellate Courts.** Out of funds appropriated in this Article to Strategies A.1.1, Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years 2010 and 2011, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3, Visiting Judges - Appellate in the Judiciary Section, Comptroller's Department.

**Sec. 12. Appellate Court Transfer Authority.** The Chief Justice of the Supreme Court of Texas, the Presiding Judge of the Court of Criminal Appeals, or the Chair of the Council of Chief Justices is authorized to transfer funds between appellate courts, notwithstanding any other provision in this Act and subject to prior approval of any transfer of funds by the Legislative Budget Board and the Governor. Any such transfer shall be made for the purpose of efficient and effective appellate court operations and management of court caseloads. It is the intent of the Legislature that transfers made under this provision are addressed by the Legislative Budget Board and the Governor in reviewing amounts requested in the appellate courts' Legislative Appropriations Request for the 2012-13 biennium.

**Sec. 13. Schedule of Exempt Positions.** Notwithstanding other provisions of this bill, including Article IX, § 3.05 setting maximum salaries for exempt positions, the Chief Justice of the Supreme Court of Texas may set the rate of compensation for the Administrative Director of the Office of Court Administration in an amount not to exceed the Maximum Salary but no less than the Minimum Salary

**SPECIAL PROVISIONS - JUDICIARY**  
(Continued)

for the appropriate salary group for the Administrative Director as listed in the bill pattern for the Office of Court Administration, Schedule of Exempt Positions. Any salary increase from appropriated funds within the limits provided by this provision must be in writing; signed by the Chief Justice of the Supreme Court of Texas; and submitted to the Governor, the Legislative Budget Board and the Comptroller.

**Sec. 14. Children's Justice Grants to States.** As grant administrator designated by the Governor for the Children's Justice Grant to States (CFDA 93.643), the Texas Center for the Judiciary shall file a report with the Legislative Budget Board and the Governor within 90 days following August 31 of each fiscal year showing disbursements, the purpose of each disbursement, and compliance with grant conditions.



**RECAPITULATION - ARTICLE IV  
THE JUDICIARY  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
Supreme Court of Texas	\$ 16,800,014	\$ 16,719,574
Court of Criminal Appeals	4,891,167	4,856,357
First Court of Appeals District, Houston	3,404,463	3,670,002
Second Court of Appeals District, Fort Worth	2,528,882	2,778,416
Third Court of Appeals District, Austin	2,207,019	2,445,386
Fourth Court of Appeals District, San Antonio	2,619,314	2,774,736
Fifth Court of Appeals District, Dallas	4,678,875	5,030,843
Sixth Court of Appeals District, Texarkana	1,227,197	1,359,347
Seventh Court of Appeals District, Amarillo	1,510,296	1,664,068
Eighth Court of Appeals District, El Paso	1,223,125	1,364,467
Ninth Court of Appeals District, Beaumont	1,506,948	1,657,668
Tenth Court of Appeals District, Waco	1,194,812	1,355,507
Eleventh Court of Appeals District, Eastland	1,218,847	1,359,347
Twelfth Court of Appeals District, Tyler	1,278,884	1,355,507
Thirteenth Court of Appeals District, Corpus Christi-Edinburg	2,221,635	2,453,065
Fourteenth Court of Appeals District, Houston	3,425,424	3,678,642
Office of Court Administration, Texas Judicial Council	14,381,403	10,842,217
Office of the State Prosecuting Attorney	425,502	425,502
State Law Library	1,084,463	1,083,061
State Commission on Judicial Conduct	1,001,626	996,626
Judiciary Section, Comptroller's Department	<u>88,350,230</u>	<u>89,103,526</u>
 Subtotal, Judiciary	 <u>\$ 157,180,126</u>	 <u>\$ 156,973,864</u>
 Retirement and Group Insurance	 51,467,684	 52,438,741
Social Security and Benefit Replacement Pay	<u>7,341,717</u>	<u>7,419,875</u>
 Subtotal, Employee Benefits	 <u>\$ 58,809,401</u>	 <u>\$ 59,858,616</u>
 Lease Payments	 2,468,899	 2,474,391
 TOTAL, ARTICLE IV - THE JUDICIARY	 <u>\$ 218,458,426</u>	 <u>\$ 219,306,871</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE IV  
THE JUDICIARY  
(General Revenue - Dedicated)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Supreme Court of Texas	\$ 750,000	\$ 1,250,000
Office of Court Administration, Texas Judicial Council	29,614,045	29,614,044
Subtotal, Judiciary	\$ 30,364,045	\$ 30,864,044
Retirement and Group Insurance	73,851	77,424
Social Security and Benefit Replacement Pay	38,791	39,238
Subtotal, Employee Benefits	\$ 112,642	\$ 116,662
<b>TOTAL, ARTICLE IV - THE JUDICIARY</b>	<b>\$ 30,476,687</b>	<b>\$ 30,980,706</b>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE IV  
THE JUDICIARY  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Supreme Court of Texas	\$ <u>3,077,132</u>	\$ <u>1,913,566</u>
Subtotal, Judiciary	\$ <u>3,077,132</u>	\$ <u>1,913,566</u>
<b>TOTAL, ARTICLE IV - THE JUDICIARY</b>	<b>\$ <u><u>3,077,132</u></u></b>	<b>\$ <u><u>1,913,566</u></u></b>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE IV  
THE JUDICIARY  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
Supreme Court of Texas	\$ 10,217,716	\$ 10,216,716
Court of Criminal Appeals	9,907,546	10,807,546
First Court of Appeals District, Houston	324,550	324,550
Second Court of Appeals District, Fort Worth	287,050	287,050
Third Court of Appeals District, Austin	234,900	234,900
Fourth Court of Appeals District, San Antonio	264,050	264,050
Fifth Court of Appeals District, Dallas	425,950	425,950
Sixth Court of Appeals District, Texarkana	96,450	96,450
Seventh Court of Appeals District, Amarillo	130,600	130,600
Eighth Court of Appeals District, El Paso	125,450	125,450
Ninth Court of Appeals District, Beaumont	130,600	130,600
Tenth Court of Appeals District, Waco	102,450	102,450
Eleventh Court of Appeals District, Eastland	100,450	100,450
Twelfth Court of Appeals District, Tyler	98,950	98,950
Thirteenth Court of Appeals District, Corpus Christi-Edinburg	236,900	236,900
Fourteenth Court of Appeals District, Houston	327,389	327,389
Office of Court Administration, Texas Judicial Council	4,992,084	4,998,406
Office of the State Prosecuting Attorney	34,450	34,450
State Law Library	43,000	43,000
Judiciary Section, Comptroller's Department	<u>56,101,341</u>	<u>56,317,192</u>
Subtotal, Judiciary	<u>\$ 84,181,876</u>	<u>\$ 85,303,049</u>
Retirement and Group Insurance	4,710,185	4,869,928
Social Security and Benefit Replacement Pay	<u>2,247,065</u>	<u>2,280,239</u>
Subtotal, Employee Benefits	<u>\$ 6,957,250</u>	<u>\$ 7,150,167</u>
Less Interagency Contracts	<u>\$ 8,022,750</u>	<u>\$ 8,028,852</u>
<b>TOTAL, ARTICLE IV - THE JUDICIARY</b>	<u><u>\$ 83,116,376</u></u>	<u><u>\$ 84,424,364</u></u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE IV  
THE JUDICIARY  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
Supreme Court of Texas	\$ 30,844,862	\$ 30,099,856
Court of Criminal Appeals	14,798,713	15,663,903
First Court of Appeals District, Houston	3,729,013	3,994,552
Second Court of Appeals District, Fort Worth	2,815,932	3,065,466
Third Court of Appeals District, Austin	2,441,919	2,680,286
Fourth Court of Appeals District, San Antonio	2,883,364	3,038,786
Fifth Court of Appeals District, Dallas	5,104,825	5,456,793
Sixth Court of Appeals District, Texarkana	1,323,647	1,455,797
Seventh Court of Appeals District, Amarillo	1,640,896	1,794,668
Eighth Court of Appeals District, El Paso	1,348,575	1,489,917
Ninth Court of Appeals District, Beaumont	1,637,548	1,788,268
Tenth Court of Appeals District, Waco	1,297,262	1,457,957
Eleventh Court of Appeals District, Eastland	1,319,297	1,459,797
Twelfth Court of Appeals District, Tyler	1,377,834	1,454,457
Thirteenth Court of Appeals District, Corpus Christi-Edinburg	2,458,535	2,689,965
Fourteenth Court of Appeals District, Houston	3,752,813	4,006,031
Office of Court Administration, Texas Judicial Council	48,987,532	45,454,667
Office of the State Prosecuting Attorney	459,952	459,952
State Law Library	1,127,463	1,126,061
State Commission on Judicial Conduct	1,001,626	996,626
Judiciary Section, Comptroller's Department	<u>144,451,571</u>	<u>145,420,718</u>
Subtotal, Judiciary	<u>\$ 274,803,179</u>	<u>\$ 275,054,523</u>
Retirement and Group Insurance	56,251,720	57,386,093
Social Security and Benefit Replacement Pay	<u>9,627,573</u>	<u>9,739,352</u>
Subtotal, Employee Benefits	<u>\$ 65,879,293</u>	<u>\$ 67,125,445</u>
Lease Payments	2,468,899	2,474,391
Less Interagency Contracts	<u>\$ 8,022,750</u>	<u>\$ 8,028,852</u>
<b>TOTAL, ARTICLE IV - THE JUDICIARY</b>	<u><u>\$ 335,128,621</u></u>	<u><u>\$ 336,625,507</u></u>
Number of Full-Time-Equivalents (FTE)	1,399.3	1,420.1

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.



## ARTICLE V

### PUBLIC SAFETY AND CRIMINAL JUSTICE

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated public safety and criminal justice agencies.

### ADJUTANT GENERAL'S DEPARTMENT

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 15,500,653	\$ 15,535,862
<u>Federal Funds</u>		
Adjutant General Federal Fund No. 449	103,515,372	38,728,952
Federal Funds	270,000	270,000
Subtotal, Federal Funds	<u>\$ 103,785,372</u>	<u>\$ 38,998,952</u>
<u>Other Funds</u>		
Appropriated Receipts	258,000	258,000
Current Fund Balance	4,781,111	725,773
Bond Proceeds - General Obligation Bonds	2,491,650	4,043,350
Interagency Contracts - Transfer from Foundation School Fund No. 193	175,000	175,000
Subtotal, Other Funds	<u>\$ 7,705,761</u>	<u>\$ 5,202,123</u>
<b>Total, Method of Financing</b>	<u>\$ 126,991,786</u>	<u>\$ 59,736,937</u>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	619.0	619.0
<b>Schedule of Exempt Positions:</b>		
Adjutant General, Group 5	\$139,140	\$139,140
<b>Items of Appropriation:</b>		
<b>A. Goal: OPERATIONS RESPONSE</b>		
Provide a Professional Force Capable of Response.		
<b>A.1.1. Strategy:</b> STATE ACTIVE DUTY - DISASTER Respond to Disaster Relief/Emergency Missions.	\$ 1,000,000	\$ 1,000,000
<b>A.1.2. Strategy:</b> STATE MISSIONS AND TRAINING Homeland Security, Humanitarian, and Preparedness Training/Response.	\$ 637,280	\$ 637,280
<b>A.1.3. Strategy:</b> TEXAS STATE GUARD	<u>\$ 594,793</u>	<u>\$ 618,992</u>
<b>Total, Goal A:</b> OPERATIONS RESPONSE	<u>\$ 2,232,073</u>	<u>\$ 2,256,272</u>
<b>B. Goal: OPERATIONS SUPPORT</b>		
Provide Adequate Facilities for Operations Training.		
<b>B.1.1. Strategy:</b> FACILITIES MAINTENANCE	\$ 21,360,541	\$ 22,565,583
<b>B.1.2. Strategy:</b> NEW FACILITY CONSTRUCTION	\$ 69,093,960	\$ 573,000
<b>B.1.3. Strategy:</b> DEBT SERVICE	\$ 2,297,289	\$ 2,334,159
<b>B.1.4. Strategy:</b> UTILITIES Pay All Utilities.	<u>\$ 7,716,945</u>	<u>\$ 7,716,945</u>
<b>Total, Goal B:</b> OPERATIONS SUPPORT	<u>\$ 100,468,735</u>	<u>\$ 33,189,687</u>

**ADJUTANT GENERAL'S DEPARTMENT**  
(Continued)

**C. Goal: COMMUNITY SUPPORT**

Community Support and Involvement.

<b>C.1.1. Strategy:</b> YOUTH EDUCATION PROGRAMS Train Youth in Specialized Education Programs.	\$ 2,785,400	\$ 2,785,400
<b>C.1.2. Strategy:</b> ENVIRONMENTAL CLEAN-UP Conduct Clean-up and Compliance Activities.	\$ 3,452,800	\$ 3,452,800
<b>C.1.3. Strategy:</b> STATE MILITARY TUITION ASSISTANCE State Military Tuition Payment Assistance.	<u>\$ 2,000,000</u>	<u>\$ 2,000,000</u>
<b>Total, Goal C: COMMUNITY SUPPORT</b>	<u>\$ 8,238,200</u>	<u>\$ 8,238,200</u>

**D. Goal: INDIRECT ADMINISTRATION**

<b>D.1.1. Strategy:</b> INDIRECT ADMINISTRATION	\$ 16,052,778	\$ 16,052,778
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<b>Grand Total, ADJUTANT GENERAL'S DEPARTMENT</b>	<u>\$ 126,991,786</u>	<u>\$ 59,736,937</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 22,756,492	\$ 22,693,451
Other Personnel Costs	1,019,740	1,043,940
Professional Fees and Services	10,368,761	2,685,093
Fuels and Lubricants	64,575	64,575
Consumable Supplies	251,432	251,432
Utilities	11,033,215	11,033,215
Travel	586,300	586,300
Rent - Building	418,736	418,736
Rent - Machine and Other	599,711	599,711
Debt Service	1,979,206	1,985,069
Other Operating Expense	8,206,128	8,248,146
Client Services	2,016,800	2,016,800
Capital Expenditures	<u>67,690,690</u>	<u>8,110,469</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 126,991,786</u>	<u>\$ 59,736,937</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 1,448,264	\$ 1,469,988
Group Insurance	3,700,846	3,994,902
Social Security	1,945,433	1,974,614
Benefits Replacement	<u>107,864</u>	<u>102,471</u>
Subtotal, Employee Benefits	<u>\$ 7,202,407</u>	<u>\$ 7,541,975</u>

Debt Service

TPFA GO Bond Debt Service	<u>\$ 1,459,343</u>	<u>\$ 2,322,523</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	<u>\$ 8,661,750</u>	<u>\$ 9,864,498</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Adjutant General's Department. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Adjutant General's Department. In order to achieve the objectives and service standards established by this Act, the Adjutant General's Department shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: OPERATIONS RESPONSE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Eligible Texas National Guard Personnel Who Are Retained	80%	80%
<b>A.1.1. Strategy: STATE ACTIVE DUTY - DISASTER</b>		
<b>Output (Volume):</b>		
Assigned Texas National Guard Strength	24,100	24,360



**ADJUTANT GENERAL'S DEPARTMENT**  
(Continued)

**B. Goal: OPERATIONS SUPPORT**

**Outcome (Results/Impact):**

Percent of Needed Routine or Preventive Maintenance Completed	75%	75%
Percent of Facilities That Comply with Texas Accessibility Standards	29%	37%

**B.1.1. Strategy: FACILITIES MAINTENANCE**

**Efficiencies:**

Average Maintenance Cost Per Square Foot of All Buildings	3	3.1
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**Explanatory:**

Number of Facilities Maintained	605	581
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**B.1.4. Strategy: UTILITIES**

**Efficiencies:**

Utilities Cost Per Square Foot, All Buildings	1.24	1.24
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**C. Goal: COMMUNITY SUPPORT**

**Outcome (Results/Impact):**

Percent of Students Completing Specialized Education Programs	93%	93%
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- 2. Capital Budget.** None of the general revenue funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. This rider does not limit the use of federal funds obtained by the department.

	<u>2010</u>	<u>2011</u>
a. Acquisition of Land and Other Real Property	\$ 400,000	\$ 0
b. Construction of Buildings and Facilities	68,693,960	573,000
c. Repair or Rehabilitation of Buildings and Facilities	6,262,808	7,165,777
d. Acquisition of Information Resource Technologies	125,000	125,000
e. Transportation Items	91,473	100,621
f. Acquisition of Capital Equipment and Items	<u>345,930</u>	<u>269,362</u>
Total, Capital Budget	<u>\$ 75,919,171</u>	<u>\$ 8,233,760</u>

Method of Financing (Capital Budget):

General Revenue Fund	\$ 674,500	\$ 686,430
Adjutant General Federal Fund No. 449	68,584,950	3,365,077

Other Funds

Current Fund Balance	4,168,071	138,903
Bond Proceeds - General Obligation Bonds	2,491,650	4,043,350
Subtotal, Other Funds	<u>\$ 6,659,721</u>	<u>\$ 4,182,253</u>

Total, Method of Financing	<u>\$ 75,919,171</u>	<u>\$ 8,233,760</u>
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- 3. Support and Maintenance Expenditures.** It is hereby provided that all monies currently appropriated to the Adjutant General's Department for support and maintenance of the Texas National Guard are authorized for like expenditures for the support and maintenance, including organization, of units of the Texas State Guard supplementing the Texas National Guard or replacing National Guard units inducted into federal service.

## ADJUTANT GENERAL'S DEPARTMENT

(Continued)

4. **Transferability.** The Adjutant General's Department is hereby authorized to transfer such amounts as may be necessary from one strategy to another strategy. No transfers shall be made into Strategy B.1.3, Debt Service. No transfer of federal reimbursements for state active duty shall be made out of Strategy A.1.1, State Active Duty - Disaster.
5. **Travel Limitations.** Subject to the travel limitations set out in the General Provisions of this Act, the Adjutant General's Department shall pay the travel expenses of members of the National Guard when said members are acting as official representatives of the Adjutant General's Department on behalf of the Texas National Guard.
6. **Payment of Travel - Limitation.** None of the funds appropriated above may be expended for the payment of travel of any officer or employee, except the Adjutant General of the State of Texas, Assistant Adjutant General-Army, Assistant Adjutant General-Air, and State Judge Advocate or the Adjutant General's designee for any one of these officers, to meetings of the National Guard Association of the United States.
7. **Armory Closure.** The Adjutant General shall not close any armories due solely to insufficient funds to pay for utilities without providing 30 days prior written notification to the Legislative Budget Board and the Governor's Office.
8. **Armory Utilities.** The Adjutant General's Department shall study each armory to ensure utility costs are kept to a minimum and the Adjutant General's Department shall charge rental fees for armories that are comparable to fees charged for similar facilities in the area where the armory is located. In any case, the rent charged must be adequate to recover any additional utility costs associated with the rental of the armory.
9. **Quarters and Utilities Allowance.** The Adjutant General, Assistant Adjutant General-Air, and the Assistant Adjutant General-Army are authorized to live in state-owned housing and are exempt from paying housing costs. The Adjutant General's Department may also allocate existing department housing to other department employees with a demonstrated need based on location and job description at a rate in accordance with Article IX, § 11.05 of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing.
10. **Federally Funded Projects.** Federal funds for any 100 percent federally funded project are hereby appropriated, and related additional travel expenditures are authorized.
11. **Appropriation - Billet Receipts.** Any billet receipts in excess of \$258,000 in fiscal year 2010 and \$258,000 in fiscal year 2011 (included in Appropriated Receipts above) are hereby appropriated for use in Strategy B.1.1, Facilities Maintenance (estimated to be \$0).
12. **Unexpended Balances, Payments to National Guard for State Active Duty.** Any unexpended balances as of August 31, 2010, in Strategy A.1.1, State Active Duty - Disaster, for payments to the National Guard for State Active Duty, are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.
13. **Cash Flow Contingency.** Contingent upon the receipt of federal funds and the approval of the Legislative Budget Board and the Governor's Office, the Adjutant General's Department may temporarily utilize additional general revenue funds, pending receipt of federal reimbursement, in an amount not to exceed \$10,000,000 in each fiscal year of the biennium. The request to access the additional funds by the Adjutant General's Department shall include justification for the additional funds. The general revenue amounts utilized above the department's general revenue method of finance must be repaid upon receipt of federal reimbursement and shall be utilized only for the purpose of temporary cash flow needs. At the end of each fiscal year, the \$10,000,000 must be repaid by November 30 of the following fiscal year. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.
14. **Travel Limitations - State Guard.** Subject to the travel limitations set out in the General Provisions of this Act, the Adjutant General's Department may pay the travel expenses of members of the Texas State Guard when said members are acting as official representatives of the Adjutant General's Department on behalf of the Texas State Guard.
15. **Seaborne/ChalleNGe Youth Education Program.** Out of funds appropriated above in Strategy C.1.1, Youth Education Programs, \$175,000 is appropriated from the Foundation School Fund No. 193 for each fiscal year of the biennium. In the event the available amount is greater than

**ADJUTANT GENERAL'S DEPARTMENT**  
(Continued)

\$175,000 in each fiscal year, general revenue funds equal to the difference between the Foundation School Funds No. 193 and \$175,000 shall lapse to the unobligated portion of the General Revenue Fund.

- 16. Unexpended Balances, General Obligation Bonds.** Any unexpended balances as of August 31, 2009, in the general obligation bonds appropriated by the 80th Legislature, Regular Session, for Repair or Rehabilitation of Buildings and Facilities (estimated at \$0) are hereby appropriated for the same purposes for the biennium beginning September 1, 2009.
- 17. State Military Tuition Assistance Program.** All unexpended balances of the State Military Tuition Assistance Program as of August 31, 2009 (estimated to be \$0), are appropriated for the same purpose for use during the biennium beginning September 1, 2009. Any balances on hand at the end of fiscal year 2010 may be carried over to fiscal year 2011 and such funds are appropriated for fiscal year 2011 for the same purpose.
- 18. ChalleNGe Youth Program.** From funds appropriated above in Strategy C.1.1, Youth Education Programs, and to ensure their efficient use, the Adjutant General's Department shall coordinate with the Juvenile Probation Commission to ensure that no duplication of services occurs with the ChalleNGe Youth Education Program.
- 19. Appropriation of Refunded Money.** There is hereby appropriated to the Adjutant General's Department all money refunded to the Adjutant General's Department from any source when such money was originally expended for any of the purposes in B.1.1, Facilities Maintenance, and B.1.2, New Facility Construction above. Such appropriated funds may be expended for any of the purposes enumerated in B.1.1 and B.1.2 above.
- 20. Local Fund Authorization.** The Adjutant General's Department is hereby authorized to spend, and there is hereby made available to it, any or all local funds which the Adjutant General's Department now has or which it may hereinafter acquire, in accordance with the provisions of its bond indenture dated October 1, 1979, and subsequently amended.
- 21. Bond Indenture Revenues.** There is hereby appropriated to the Adjutant General's Department all revenues that the Adjutant General's Department has pledged, assigned, and set over and does pledge, assign, and set over unto its trustee and its successors in trust, and all revenues it has received or may hereinafter receive in accordance with the provisions of its bond indenture dated October 1, 1979, and subsequently amended.
- 22. Superseding of Statutes and Bond Covenants.** None of the appropriations or provisions herein shall supersede Government Code, Chapter 431, or the covenants under which bonds are issued by or on behalf of the Adjutant General's Department, regarding the agency's obligations as a public bonding authority, body politic and corporate.
- 23. Disposition of State-owned Property.** Contingent upon sufficient funds from the sale of state-owned properties, appropriations above include \$4,000,000 in fiscal year 2010 and \$0 in fiscal year 2011 from the Current Fund Balance to the Adjutant General's Department in funds derived from sales, in previous biennia and in the current biennium, of State-owned National Guard camps and other property owned by the Adjutant General's Department and of land, improvements, buildings, facilities, installations, and personal property in connection therewith as authorized by Government Code, Chapter 431. Such funds shall be expended by the Adjutant General's Department in one or more of the following ways: (1) as a participating fund in the construction and maintenance of facilities financed in part by the United States Government; or (2) as a construction fund to be used by the Adjutant General's Department; or (3) as a debt-servicing fund as provided in Government Code, Chapter 431, provided, however, that all such funds that are not actually used for the purposes hereinbefore specified shall remain on deposit in the state treasury to the credit of the Adjutant General's Department for the use and benefit of the Texas National Guard, their successors or components, as provided in Government Code, Chapter 431. The Adjutant General's Department is hereby authorized to carry forward unexpended balances from fiscal year 2010 into fiscal year 2011 for the same purpose.
- 24. Master Plan for Military Facilities.** Funds appropriated to the Adjutant General's Department for capital construction projects are intended to be expended for those projects which are part of the agency's Master Plan. The Adjutant General's Department shall revise the plan at least biennially and submit the plan to the Legislative Budget Board and the Governor every even-numbered year as an appendix to the agency's Strategic Plan.

**ADJUTANT GENERAL'S DEPARTMENT**  
(Continued)

- 25. Reallocation of Unexpended Bond Proceeds.** The Adjutant General's Department is authorized to reallocate the unexpended bond proceeds of canceled projects only to other projects listed in its current Master Plan and only after notifying the Texas Public Finance Authority, the Texas Bond Review Board, the Governor, and the Legislative Budget Board.
- 26. Renovation Priorities.** The Adjutant General's Department shall give priority in the use of funds appropriated by this Act to renovations which: (1) insure the structural integrity of the facilities; (2) bring such facilities into compliance with current building and safety codes and accessibility standards; (3) increase the economic efficiency of the facilities; and (4) simplify future maintenance of the facilities.
- 27. Projects Funded with Bond Proceeds.** In addition to the number of FTEs authorized in the bill pattern for the Adjutant General's Department, the Adjutant General's Department is authorized to employ one additional person for the purpose of managing any project(s) that are funded 100% with bond proceeds. The Adjutant General's Department is authorized to employ the additional person only for the duration of the project(s) the personnel are hired to manage. All salaries, benefits, and other expenses incurred (including a fair allocation of agency indirect expenses related to the additional personnel) are to be paid out of the bond proceeds.
- 28. Leave Requirement.**
- a. The Adjutant General's Department shall use funds appropriated above for the following purposes:
    - (1) Provide a report to the Governor's Office and the State Auditor's Office every 30 days of the overtime payment and emergency leave approved for all employees for the previous 30 days;
    - (2) Have any emergency leave for more than three (3) days or for reasons other than death in the immediate family be pre-approved by the Governor's Office and the Legislative Budget Board; and
    - (3) Have any emergency leave taken by an officer with a rank above major pre-approved by the Governor's Office and the Legislative Budget Board.
  - b. This section does not apply to emergency leave used for purposes of differential pay.
- 29. Internal Audit.** The Adjutant General's Department shall use funds appropriated above for the following purposes:
- a. To report to the Governor's Office, Legislative Budget Board, and State Auditor's Office every 30 days on all internal audit work performed. Each month the director of Internal Audit of the Adjutant General's Department shall report to the State Auditor's Office to brief an individual designated by the State Auditor; and
  - b. To hold meetings by the internal audit committee at the Adjutant General's Department at least once each fiscal quarter and to provide minutes of these meetings to the Governor's Office and the State Auditor's Office.
- 30. Appropriation Authority for General Obligation Bond Proceeds.**<sup>1</sup> Appropriated above in Strategy B.1.1, Facilities Maintenance, in fiscal year 2010 is \$2,491,650 and in fiscal year 2011 is \$4,043,350 in general obligation bond proceeds for projects for the Adjutant General's Department as described in Article IX, Sec. 17.11, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

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<sup>1</sup> Modified to correct reference error.

# ALCOHOLIC BEVERAGE COMMISSION<sup>1</sup>

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 44,601,770	\$ 43,192,719
Federal Funds	351,200	351,200
<u>Other Funds</u>		
Appropriated Receipts	23,750	23,750
Criminal Justice Grants	130,000	130,000
Subtotal, Other Funds	\$ 153,750	\$ 153,750
<b>Total, Method of Financing</b>	\$ 45,106,720	\$ 43,697,669
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 11,350,925	\$ 11,846,414
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	696.0	696.0
<b>Schedule of Exempt Positions:</b>		
Administrator, Group 5	\$122,500	\$122,500
<b>Items of Appropriation:</b>		
<b>A. Goal: REGULATE DISTRIBUTION</b> Promote the Health, Safety, and Welfare of the Public.		
<b>A.1.1. Strategy: ENFORCEMENT</b>	\$ 23,031,975	\$ 22,864,714
<b>B. Goal: LICENSING AND INVESTIGATION</b> Process Applications and Issue Alcoholic Beverage Licenses & Permits.		
<b>B.1.1. Strategy: LICENSING AND INVESTIGATION</b>	\$ 4,983,388	\$ 4,226,123
<b>C. Goal: COLLECT FEES AND TAXES</b> Ensure Compliance with Fees & Taxes.		
<b>C.1.1. Strategy: COMPLIANCE MONITORING</b> Conduct Inspections and Monitor Compliance.	\$ 6,926,066	\$ 6,359,017
<b>C.2.1. Strategy: PORTS OF ENTRY</b> Nontransferable.	\$ 4,632,158	\$ 4,627,461
<b>Total, Goal C: COLLECT FEES AND TAXES</b>	\$ 11,558,224	\$ 10,986,478
<b>D. Goal: INDIRECT ADMINISTRATION</b>		
<b>D.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 2,424,564	\$ 2,465,010
<b>D.1.2. Strategy: INFORMATION RESOURCES</b>	\$ 2,473,285	\$ 2,508,574
<b>D.1.3. Strategy: OTHER SUPPORT SERVICES</b>	\$ 635,284	\$ 646,770
<b>Total, Goal D: INDIRECT ADMINISTRATION</b>	\$ 5,533,133	\$ 5,620,354
<b>Grand Total, ALCOHOLIC BEVERAGE COMMISSION</b>	\$ 45,106,720	\$ 43,697,669
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 32,129,222	\$ 32,468,923
Other Personnel Costs	1,413,980	1,413,980
Professional Fees and Services	2,834,679	1,220,712
Fuels and Lubricants	733,650	733,650
Consumable Supplies	298,456	298,457
Utilities	367,888	367,213
Travel	695,682	695,682
Rent - Building	2,087,488	2,087,488
Rent - Machine and Other	139,574	139,574
Other Operating Expense	2,888,501	2,876,237

<sup>1</sup> Does not include appropriations in Article IX, § 17.01, of this Act, totaling \$697,785 each fiscal year in General Revenue Funds for Schedule C pay raises for commissioned peace officers.

**ALCOHOLIC BEVERAGE COMMISSION**  
(Continued)

Grants	238,875	238,875
Capital Expenditures	1,278,725	1,156,878
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 45,106,720</b>	<b>\$ 43,697,669</b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 1,846,089	\$ 1,873,780
Group Insurance	5,968,719	6,497,453
Social Security	2,268,598	2,302,627
Benefits Replacement	193,090	183,435
Subtotal, Employee Benefits	\$ 10,276,496	\$ 10,857,295

<u>Debt Service</u>		
Lease Payments	\$ 51,397	\$ 51,545

<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 10,327,893</b>	<b>\$ 10,908,840</b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Alcoholic Beverage Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Alcoholic Beverage Commission. In order to achieve the objectives and service standards established by this Act, the Alcoholic Beverage Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: REGULATE DISTRIBUTION</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Licensed Establishments Inspected Annually	80%	80%
<b>A.1.1. Strategy: ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Inspections Conducted by Enforcement Agents	130,000	130,000
<b>Efficiencies:</b>		
Average Cost Per Enforcement Inspection	172.51	172.79
<b>B. Goal: LICENSING AND INVESTIGATION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Original License/Permit Applications Processed within 14 Days	99%	99%
<b>B.1.1. Strategy: LICENSING AND INVESTIGATION</b>		
<b>Output (Volume):</b>		
Number of Licenses/Permits Issued	74,700	60,300
<b>Efficiencies:</b>		
Average Cost Per License/Permit Processed	50.51	61.75
<b>C. Goal: COLLECT FEES AND TAXES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Inspections, Field Analyses, and Selected Regulatory Activities Conducted by Compliance Personnel Resulting in Administrative Actions	34%	34%
<b>C.1.1. Strategy: COMPLIANCE MONITORING</b>		
<b>Output (Volume):</b>		
Number of Inspections, Analyses, and Compliance Activities	163,350	163,350
<b>Efficiencies:</b>		
Average Cost Per Inspection, Analysis, and Compliance Activity	30	30.61
<b>C.2.1. Strategy: PORTS OF ENTRY</b>		
<b>Output (Volume):</b>		
Number of Alcoholic Beverage Containers and Cigarette Packages Stamped	2,922,000	2,922,000

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease

**ALCOHOLIC BEVERAGE COMMISSION**  
(Continued)

Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code §1232.103.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Computer Equipment - Leased	\$ 446,890	\$ 446,890
(2) Hardware/Software Acquisitions	187,000	187,000
(3) Data Center Consolidation	857,608	801,609
(4) IT Automation Enhancements	1,819,616	65,674
 Total, Acquisition of Information Resource Technologies	 \$ 3,311,114	 \$ 1,501,173
b. Transportation Items		
(1) Fleet Acquisition (67 Vehicles)	690,500	690,500
c. Acquisition of Capital Equipment and Items		
(1) Public Safety Equipment - Replacement	353,213	353,213
 Total, Capital Budget	 \$ 4,354,827	 \$ 2,544,886
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 4,336,077	\$ 2,526,136
Appropriated Receipts	18,750	18,750
 Total, Method of Financing	 \$ 4,354,827	 \$ 2,544,886

- 3. Hazardous Duty Pay Authorized.** The Texas Alcoholic Beverage Commission is authorized to pay hazardous duty pay to any commissioned law enforcement personnel as prescribed by law.

It is further provided that individuals who had received hazardous duty pay as of August 31, 1981, shall continue to receive hazardous duty pay for the biennium beginning with the effective date of this Act. Individuals hired after August 31, 1981, shall not receive hazardous duty pay unless so authorized by Government Code, Chapter 659.

- 4. Witness Expenses Authorized.** No other provisions of this Act shall prevent payment by the State of Texas of salaries and expenses incurred by representatives of the Texas Alcoholic Beverage Commission in attendance on state or federal grand jury proceedings, and who may be called as witnesses in the trial of criminal or civil cases in state or federal courts involving offenses complained of against state or federal liquor regulatory or revenue laws. It is further provided that any fees collected by such representatives in performing such duties shall be deposited in the State Treasury to the credit of the appropriations made above.
- 5. Revolving Fund.** The revolving change fund created by prior legislatures in the amount of \$25,000 for use at several International Bridges is hereby appropriated out of the funds above for the biennium beginning with the effective date of this Act for the same purposes.
- 6. Purchase of Evidence Authorized.** From the amounts authorized above, the Texas Alcoholic Beverage Commission is hereby authorized to establish a cash fund not to exceed \$50,000 for the purchase of evidence and/or information and surveillance expenses deemed necessary by the Commission.
- 7. Appropriations Limited to Revenue Collections.** Fees, fines and other miscellaneous revenues as authorized and generated by the agency shall cover, at a minimum, the cost of the appropriations made above as well as an amount equal to the amount identified above in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in this Act." In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 8. Fleet of Motor Vehicles Authorized.** From funds appropriated above, the Alcoholic Beverage Commission may purchase and maintain a fleet of vehicles. If these vehicles are unmarked for law enforcement purposes, these vehicles shall be utilized only by personnel who are commissioned

**ALCOHOLIC BEVERAGE COMMISSION**  
(Continued)

peace officers or those persons responsible for the maintenance and repair of these vehicles. Vehicles which are properly marked pursuant to state requirements may be utilized for other legitimate agency purposes as needed by personnel employed by the agency.

**9. Clothing Provisions.**

- a. A commissioned officer who received a \$1,200 clothing allowance pursuant to the General Appropriations Act during the 2008-09 biennium shall receive a \$1,200 clothing allowance in the 2010-11 biennium.
- b. No person shall receive a \$1,200 clothing allowance unless eligible in subsection (a).
- c. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a \$500 cleaning allowance. No rank other than that of agent is entitled to a \$500 cleaning allowance.
- d. The Texas Alcoholic Beverage Commission may purchase uniforms for Tax Collectors at International Bridges.

**10. Contingency Rider - Ports of Entry (Anzalduas Bridge).** Included in the amounts appropriated above in Strategy C.2.1, Ports of Entry, is \$218,595 in fiscal year 2010 and \$203,381 in fiscal year 2011 out of the General Revenue Fund for the purpose of regulating the personal importation of alcoholic beverages and cigarettes at the Anzalduas Bridge. These amounts represent 12 months of estimated operating costs per fiscal year. The appropriation of these funds is contingent upon the opening of the Anzalduas Bridge. In the event the bridge does not open prior to September 2009, the level of appropriation described above is to be prorated based on the number of months remaining in the fiscal year.

**11. Contingency Rider - Ports of Entry (Donna Bridge).** Included in the amounts appropriated above in Strategy C.2.1, Ports of Entry, is \$243,390 in fiscal year 2010 and \$228,261 in fiscal year 2011 out of the General Revenue Fund for the purpose of regulating the personal importation of alcoholic beverages and cigarettes at the Donna Bridge. These amounts represent 12 months of estimated operating costs per fiscal year. The appropriation of these funds is contingent upon the opening of the Donna Bridge. In the event the bridge does not open prior to September 2009, the level of appropriation described above is to be prorated based on the number of months remaining in the fiscal year.

**12. Texas Wine Marketing Assistance Program.** Included in the amounts appropriated above in Strategy D.1.1, Central Administration, is \$250,000 in fiscal year 2010 and \$250,000 in fiscal year 2011 out of the General Revenue Fund for the Texas Wine Marketing Assistance Program. The Texas Alcoholic Beverage Commission shall transfer these funds to the Department of Agriculture pursuant to § 5.56, Alcoholic Beverage Code.

**13. Accountability Tracking System for DWI Prevention and Enforcement.** From funds appropriated above, the Alcoholic Beverage Commission shall track the impact of funds appropriated for enhanced DWI prevention and enforcement. By January 1<sup>st</sup> of each fiscal year, the commission shall report to the Governor and the Legislative Budget Board the specific prevention and enforcement activities performed with the funds to include locations where the monies were spent, what programs were implemented, the impact of enforcement efforts compared to the previous biennium, and the impact on DWI-related fatalities and arrests.

**14. Appropriation Transfers Between Fiscal Years - Gasoline Contingency.** In addition to the transfer authority provided elsewhere in this Act, the Alcoholic Beverage Commission may transfer appropriations for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

- a. Transfers under this section may be requested only if the average price per gallon of gasoline paid by the agency during the first six months of fiscal year 2010 exceeds \$3.10 per gallon.
- b. A request to transfer appropriations for fiscal year 2011 to fiscal year 2010 shall be submitted in writing to the Governor and the Legislative Budget Board. The request shall include a justification for the amount of funds to be transferred based on an estimate of the total gallons of gasoline consumed by the agency in a year and the average price per gallon paid over \$3.10 per gallon during the first six months of fiscal year 2010.



**ALCOHOLIC BEVERAGE COMMISSION**  
(Continued)

- c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board.
- d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

**15. Appropriation: Seized Assets.** All funds received under Chapter 59, Code of Criminal Procedure, and Chapter 71, Property Code, by the Alcoholic Beverage Commission are hereby appropriated above in Strategy A.1.1, Enforcement, to be used for law enforcement purposes. Any funds unexpended at the close of each fiscal year are appropriated for the following year (fiscal year 2009 unexpended balance estimated to be \$0).

**DEPARTMENT OF CRIMINAL JUSTICE<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 2,816,041,763	\$ 2,899,835,124
Education and Recreation Program Receipts	86,454,303	86,454,303
Texas Correctional Industries Receipts	8,947,000	8,947,000
Subtotal, General Revenue Fund	<u>\$ 2,911,443,066</u>	<u>\$ 2,995,236,427</u>
<u>General Revenue Fund - Dedicated</u>		
Private Sector Prison Industry Expansion Account No. 5060	1,500,630	1,500,630
Compensation to Victims of Crime Account No. 469	1,576,175	1,576,175
Operators and Chauffeurs License Account No. 099 <sup>2</sup>	250,000	250,000
Subtotal, General Revenue Fund - Dedicated	<u>\$ 3,326,805</u>	<u>\$ 3,326,805</u>
Federal Funds for Incarcerated Aliens	18,601,740	18,601,739
<u>Other Funds</u>		
Interagency Contracts - Texas Correctional Industries	40,252,930	40,252,928
Appropriated Receipts	31,112,801	11,312,792
Interagency Contracts	9,183,170	9,183,170
Bond Proceeds - General Obligation Bonds	45,000,000	35,000,000
Subtotal, Other Funds	<u>\$ 125,548,901</u>	<u>\$ 95,748,890</u>
<b>Total, Method of Financing</b>	<u><u>\$ 3,058,920,512</u></u>	<u><u>\$ 3,112,913,861</u></u>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>2</sup></b>	39,294.3	39,443.3
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 8	\$186,300	\$186,300
Presiding Officer, Board of Pardons & Paroles, Group 4	126,500	126,500
Parole Board Member, Group 3	(6) 95,619	(6) 95,619
<b>Items of Appropriation:</b>		
<b>A. Goal: PROVIDE PRISON DIVERSIONS</b>		
Provide Prison Diversions through Probation & Community-based Programs.		
<b>A.1.1. Strategy: BASIC SUPERVISION</b>	\$ 111,443,958	\$ 112,680,413

<sup>1</sup> Does not include appropriations in Article IX, § 17.01, of this Act, totaling \$216,646 each fiscal year in General Revenue Funds for Schedule C pay raises for commissioned peace officers.

<sup>2</sup> Incorporates Article IX, § 17.04, of this Act, relating to border security operations, resulting in an increase of \$250,000 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 and 10.0 FTEs for each fiscal year of the biennium.

**DEPARTMENT OF CRIMINAL JUSTICE**

(Continued)

<b>A.1.2. Strategy:</b> DIVERSION PROGRAMS	\$ 118,593,921	\$ 122,968,920
<b>A.1.3. Strategy:</b> COMMUNITY CORRECTIONS	\$ 38,770,088	\$ 38,770,088
<b>A.1.4. Strategy:</b> TRMT ALTERNATIVES TO INCARCERATION	<u>\$ 11,604,912</u>	<u>\$ 11,604,911</u>
Treatment Alternatives to Incarceration Program.		
<b>Total, Goal A:</b> PROVIDE PRISON DIVERSIONS	<u>\$ 280,412,879</u>	<u>\$ 286,024,332</u>
<b>B. Goal:</b> SPECIAL NEEDS OFFENDERS		
<b>B.1.1. Strategy:</b> SPECIAL NEEDS PROJECTS	\$ 20,444,499	\$ 20,444,499
<b>C. Goal:</b> INCARCERATE FELONS		
<b>C.1.1. Strategy:</b> CORRECTIONAL SECURITY OPERATIONS	\$ 1,017,474,277	\$ 1,057,018,188
<b>C.1.2. Strategy:</b> CORRECTIONAL SUPPORT OPERATIONS	\$ 81,366,616	\$ 83,295,660
<b>C.1.3. Strategy:</b> OFFENDER SERVICES	\$ 12,826,039	\$ 12,935,554
<b>C.1.4. Strategy:</b> INSTITUTIONAL GOODS	\$ 158,274,073	\$ 160,428,198
<b>C.1.5. Strategy:</b> INSTITUTIONAL SERVICES	\$ 165,385,533	\$ 166,115,904
<b>C.1.6. Strategy:</b> INST'L OPERATIONS & MAINTENANCE Institutional Operations and Maintenance.	\$ 201,451,448	\$ 202,569,344
<b>C.1.7. Strategy:</b> PSYCHIATRIC CARE Correctional Managed Psychiatric Care.	\$ 46,510,189	\$ 51,354,175
<b>C.1.8. Strategy:</b> MANAGED HEALTHCARE Correctional Managed Healthcare.	\$ 419,860,274	\$ 416,949,309
<b>C.1.9. Strategy:</b> HEALTH SERVICES	\$ 3,934,664	\$ 3,968,366
<b>C.1.10. Strategy:</b> CONTRACTED TEMPORARY CAPACITY Provide for Contract Correctional Beds.	\$ 0	\$ 0
<b>C.1.11. Strategy:</b> CONTRACT PRISONS/PRIVATE ST JAILS Contract Prisons and Privately Operated State Jails.	\$ 116,938,382	\$ 118,999,800
<b>C.1.12. Strategy:</b> RESIDENTIAL PRE-PAROLE FACILITIES	\$ 33,143,537	\$ 33,852,327
<b>C.2.1. Strategy:</b> TEXAS CORRECTIONAL INDUSTRIES	\$ 69,109,474	\$ 69,561,207
<b>C.2.2. Strategy:</b> ACADEMIC/VOCATIONAL TRAINING Academic and Vocational Training.	\$ 2,332,715	\$ 2,332,714
<b>C.2.3. Strategy:</b> PROJECT RIO	\$ 5,043,000	\$ 5,157,308
<b>C.2.4. Strategy:</b> TREATMENT SERVICES	\$ 18,799,677	\$ 19,209,850
<b>C.2.5. Strategy:</b> SUBSTANCE ABUSE TREATMENT	<u>\$ 94,461,133</u>	<u>\$ 97,316,361</u>
<b>Total, Goal C:</b> INCARCERATE FELONS	<u>\$ 2,446,911,031</u>	<u>\$ 2,501,064,265</u>
<b>D. Goal:</b> ENSURE ADEQUATE FACILITIES Ensure and Maintain Adequate Facilities.		
<b>D.1.1. Strategy:</b> FACILITIES CONSTRUCTION Construction and Repair of Facilities.	\$ 45,000,000	\$ 35,000,000
<b>D.1.2. Strategy:</b> LEASE-PURCHASE OF FACILITIES Provide for Lease-purchase of Facilities.	<u>\$ 12,987,350</u>	<u>\$ 6,888,475</u>
<b>Total, Goal D:</b> ENSURE ADEQUATE FACILITIES	<u>\$ 57,987,350</u>	<u>\$ 41,888,475</u>
<b>E. Goal:</b> BOARD OF PARDONS AND PAROLES		
<b>E.1.1. Strategy:</b> BOARD OF PARDONS AND PAROLES	\$ 17,729,541	\$ 17,813,230
<b>E.1.2. Strategy:</b> REVOCATION PROCESSING	<u>\$ 6,999,549</u>	<u>\$ 7,051,571</u>
<b>Total, Goal E:</b> BOARD OF PARDONS AND PAROLES	<u>\$ 24,729,090</u>	<u>\$ 24,864,801</u>
<b>F. Goal:</b> OPERATE PAROLE SYSTEM		
<b>F.1.1. Strategy:</b> PAROLE RELEASE PROCESSING	\$ 3,450,240	\$ 3,450,240
<b>F.2.1. Strategy:</b> PAROLE SUPERVISION	\$ 95,392,307	\$ 99,277,674
<b>F.2.2. Strategy:</b> HALFWAY HOUSE FACILITIES	\$ 19,205,670	\$ 19,608,995
<b>F.2.3. Strategy:</b> INTERMEDIATE SANCTION FACILITIES	<u>\$ 31,482,373</u>	<u>\$ 37,385,517</u>
<b>Total, Goal F:</b> OPERATE PAROLE SYSTEM	<u>\$ 149,530,590</u>	<u>\$ 159,722,426</u>
<b>G. Goal:</b> INDIRECT ADMINISTRATION		
<b>G.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 28,932,186	\$ 28,932,179
<b>G.1.2. Strategy:</b> CORRECTIONAL TRAINING	\$ 4,480,176	\$ 4,480,176

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

<b>G.1.3. Strategy:</b> INSPECTOR GENERAL <sup>3</sup>	\$ 9,872,090	\$ 9,872,089
<b>G.1.4. Strategy:</b> VICTIM SERVICES	\$ 2,053,287	\$ 2,053,287
<b>G.1.5. Strategy:</b> INFORMATION RESOURCES	<u>\$ 33,567,334</u>	<u>\$ 33,567,332</u>
<b>Total, Goal G:</b> INDIRECT ADMINISTRATION	<u>\$ 78,905,073</u>	<u>\$ 78,905,063</u>
<b>Grand Total, DEPARTMENT OF CRIMINAL JUSTICE</b>	<u>\$ 3,058,920,512</u>	<u>\$ 3,112,913,861</u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 1,364,715,642	\$ 1,413,751,902
Other Personnel Costs	53,870,012	54,273,300
Professional Fees and Services	513,119,390	515,052,410
Fuels and Lubricants	10,844,031	10,844,026
Consumable Supplies	15,147,212	15,147,205
Utilities	124,003,216	124,003,202
Travel	8,308,253	8,308,252
Rent - Building	13,037,504	13,037,505
Rent - Machine and Other	6,047,317	6,047,311
Other Operating Expense	486,544,917	499,304,545
Client Services	52,131,841	52,737,773
Food for Persons - Wards of State	92,236,869	92,236,867
Grants	246,792,339	252,403,789
Capital Expenditures	<u>72,121,969</u>	<u>55,765,774</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 3,058,920,512</u>	<u>\$ 3,112,913,861</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 79,195,174	\$ 80,715,838
Group Insurance	270,428,882	292,495,658
Social Security	104,420,431	106,404,813
Benefits Replacement	<u>9,879,232</u>	<u>9,385,270</u>
Subtotal, Employee Benefits	<u>\$ 463,923,719</u>	<u>\$ 489,001,579</u>

Debt Service

TPFA GO Bond Debt Service	\$ 208,072,690	\$ 203,540,719
Lease Payments	<u>649,112</u>	<u>648,328</u>
Subtotal, Debt Service	<u>\$ 208,721,802</u>	<u>\$ 204,189,047</u>

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

\$ 672,645,521    \$ 693,190,626

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Criminal Justice. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Criminal Justice. In order to achieve the objectives and service standards established by this Act, the Department of Criminal Justice shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: PROVIDE PRISON DIVERSIONS</b>		
<b>A.1.1. Strategy: BASIC SUPERVISION</b>		
<b>Output (Volume):</b>		
Average Number of Felony Offenders under Direct Supervision	172,895	175,075
<b>Efficiencies:</b>		
Average Monthly Caseload	76	76
<b>A.1.2. Strategy: DIVERSION PROGRAMS</b>		
<b>Output (Volume):</b>		
Number of Residential Facility Beds Grant-funded	3,284	3,284

<sup>3</sup> Incorporates Article IX, § 17.04, of this Act, relating to border security operations, resulting in an increase of \$250,000 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 and 10.0 FTEs for each fiscal year of the biennium.

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

<b>A.1.3. Strategy: COMMUNITY CORRECTIONS</b>		
<b>Output (Volume):</b>		
Number of Residential Facility Beds Funded through Community Corrections	330	330
<b>B. Goal: SPECIAL NEEDS OFFENDERS</b>		
<b>Outcome (Results/Impact):</b>		
Offenders with Special Needs Three-year Reincarceration Rate	12%	12%
<b>B.1.1. Strategy: SPECIAL NEEDS PROJECTS</b>		
<b>Output (Volume):</b>		
Number of Special Needs Offenders Served Through the Continuity of Care Programs	28,500	28,500
<b>C. Goal: INCARCERATE FELONS</b>		
<b>Outcome (Results/Impact):</b>		
Escaped Offenders as Percentage of Number of Offenders Incarcerated	0%	0%
Three-year Recidivism Rate	28%	28%
Turnover Rate of Correctional Officers	18%	18%
<b>C.1.1. Strategy: CORRECTIONAL SECURITY OPERATIONS</b>		
<b>Output (Volume):</b>		
Average Number of Offenders Incarcerated	140,529	140,019
<b>C.1.7. Strategy: PSYCHIATRIC CARE</b>		
<b>Output (Volume):</b>		
Psychiatric Inpatient Average Daily Census	1,963	1,963
<b>C.1.8. Strategy: MANAGED HEALTHCARE</b>		
<b>Output (Volume):</b>		
Average Number of Offenders under Correctional Managed Healthcare	151,734	151,734
<b>Efficiencies:</b>		
Medical Care Cost Per Offender	7.58	7.53
<b>C.1.10. Strategy: CONTRACTED TEMPORARY CAPACITY</b>		
<b>Explanatory:</b>		
Average Number of Offenders in Contractual Correctional Bed Capacity	0	0
<b>C.1.11. Strategy: CONTRACT PRISONS/PRIVATE STATE JAILS</b>		
<b>Output (Volume):</b>		
Average Number of Offenders in Contract Prisons and Privately Operated State Jails	11,890	11,890
<b>C.1.12. Strategy: RESIDENTIAL PRE-PAROLE FACILITIES</b>		
<b>Output (Volume):</b>		
Average Number of Pre-parole Transferees in Pre-parole Transfer Facilities	2,277	2,277
Average Number of Offenders in Work Program Facilities	500	500
<b>C.2.1. Strategy: TEXAS CORRECTIONAL INDUSTRIES</b>		
<b>Output (Volume):</b>		
Number of Inmates Assigned to the Texas Correctional Industries Program	6,100	6,100
<b>C.2.2. Strategy: ACADEMIC/VOCATIONAL TRAINING</b>		
<b>Output (Volume):</b>		
Inmate Students Enrolled	9,115	9,115
<b>C.2.4. Strategy: TREATMENT SERVICES</b>		
<b>Output (Volume):</b>		
Number of Sex Offenders Receiving Psychological Counseling While on Parole/Mandatory Supervision	2,315	2,315
<b>C.2.5. Strategy: SUBSTANCE ABUSE TREATMENT</b>		
<b>Output (Volume):</b>		
Number of Confinees Completing Treatment in Substance Abuse Felony Punishment Facilities	8,198	8,400
<b>E. Goal: BOARD OF PARDONS AND PAROLES</b>		
<b>E.1.1. Strategy: BOARD OF PARDONS AND PAROLES</b>		
<b>Output (Volume):</b>		
Number of Parole Cases Considered	92,000	92,000
Number of Parole Cases Processed	42,645	42,645
<b>F. Goal: OPERATE PAROLE SYSTEM</b>		
<b>Outcome (Results/Impact):</b>		
Releasee Annual Revocation Rate	7.3	7.3
<b>F.2.1. Strategy: PAROLE SUPERVISION</b>		
<b>Output (Volume):</b>		
Average Number of Offenders Under Active Parole Supervision	78,496	80,052

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

**Efficiencies:**

Average Monthly Caseload 62 62

**F.2.2. Strategy: HALFWAY HOUSE FACILITIES**

**Output (Volume):**

Average Number of Releasees in Halfway Houses 1,549 1,549

**F.2.3. Strategy: INTERMEDIATE SANCTION FACILITIES**

**Output (Volume):**

Average Number of Releasees in Intermediate Sanction Facilities 2,299 2,707

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code §1232.103.

	2010	2011
a. Construction of Buildings and Facilities		
(1) Lease-Purchase of Facilities	\$ 12,987,350	\$ 6,888,475
b. Repair or Rehabilitation of Buildings and Facilities		
(1) Lease Payment (MLPP) for Energy Performance Contract (EPC)	1,973,796	1,965,448
(2) Marlin Correctional Mental Health Facility	10,000,000	UB
(3) Repair and Rehabilitation of Facilities	35,000,000	35,000,000
Total, Repair or Rehabilitation of Buildings and Facilities	\$ 46,973,796	\$ 36,965,448
c. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	17,276,662	17,276,660
(2) Computer and Software Acquisitions	3,995,428	3,880,728
Total, Acquisition of Information Resource Technologies	\$ 21,272,090	\$ 21,157,388
d. Transportation Items		
(1) Vehicles, Scheduled Replacements	5,134,267	5,000,000
e. Acquisition of Capital Equipment and Items	4,544,867	4,544,863
Total, Capital Budget	\$ 90,912,370	\$ 74,556,174

Method of Financing (Capital Budget):

General Revenue Fund

General Revenue Fund	\$ 44,685,160	\$ 38,328,964
Texas Correctional Industries Receipts	920,407	920,407
Subtotal, General Revenue Fund	\$ 45,605,567	\$ 39,249,371

Other Funds

Interagency Contracts - Texas Correctional Industries	306,803	306,803
Bond Proceeds - General Obligation Bonds	45,000,000	35,000,000
Subtotal, Other Funds	\$ 45,306,803	\$ 35,306,803
Total, Method of Financing	\$ 90,912,370	\$ 74,556,174

- 3. Disposition of Construction Appropriation.** Construction appropriations may be used to pay salaries of engineers, architects, superintendents, supervisors and administrative expenses and support personnel of construction projects; architectural fees and the actual and necessary travel expenses incurred by them or their representatives in making special trips of inspection at the instance of the Board of Criminal Justice or the Department of Criminal Justice's Executive

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

Director or designee during construction or repair of buildings or installation of fixed equipment in such buildings. The State Auditor's Office may recommend job titles and rates of pay for such salaried positions.

4. **Temporary Loan of Construction Resources.** The Texas Department of Criminal Justice (TDCJ) may temporarily utilize materials and equipment acquired and personnel paid from one project appropriated for construction, repairs, and renovation, including construction of additional capacity and building maintenance, to construct any other similar project for which funds have been appropriated. The receiving project must reimburse the providing project within twelve months with funds and/or a like amount of materials, equipment, equipment usage, or personnel of equivalent value. Reimbursement with funds may be accomplished by transfer in a manner which records appropriate expenditures to the borrowing project and negative expenditures to the lending project. These transfers may be summary amounts in a manner approved by the Comptroller of Public Accounts. However, the TDCJ must maintain adequate detailed records to support such summary transfer amounts.
5. **Architectural Fees.** Notwithstanding other provisions of this Act, in those instances where inmate labor is used on construction projects, the Department of Criminal Justice is authorized to pay architectural fees based on the estimated total cost of a project as if it were to be done by a private contractor. The department shall employ an independent firm, separate from the architect, to estimate the total cost of a project. Architectural fees based on the estimated cost shall be governed by other provisions of this Act.
6. **Construction Encumbrances.** Any funds legally encumbered for construction contracts for projects which are in effect as of August 31, 2009, are considered encumbered and may be carried forward to fiscal year 2010.
7. **Utilization of Existing Correctional Facilities.** The department shall give full consideration to utilizing existing correctional facilities located in the State of Texas and currently owned or operated by federal or local governments. Appropriations to the department may be used for the purposes of leasing, purchasing, or contracting for operations of such facilities if agreements can be reached which are beneficial to the State.
8. **Review of Construction Change Orders.** From funds appropriated above, the Texas Department of Criminal Justice (TDCJ), upon the review of any change order, shall develop a procedure whereby cause of such change order shall be determined and documented in the project file. If it is determined that the change was necessitated by the error or omission of any contracted party, the TDCJ shall hold such party financially responsible.
9. **Salary Adjustment Authorized.** Notwithstanding other provisions of this Act, the Texas Department of Criminal Justice is authorized to adjust salaries of the following position series to rates within the designated salary group for the purpose of recruiting, employing, and retaining career correctional personnel:
  - a. Correctional Officer;
  - b. Sergeant, Lieutenant, Captain, and Major of Correctional Officers;
  - c. Food Service Manager;
  - d. Laundry Manager; and
  - e. Parole Officer.

Merit raises are prohibited for all employees who are receiving or are eligible to receive step adjustments in the career ladder system.

10. **Appropriation: Meals Authorized.** The department may charge an amount necessary to recover the cost of a meal provided to an employee as described herein. Department employees assigned to work inside correctional facilities or on travel status may receive up to two free meals per shift and employees residing in employee dormitories may receive three free meals per day. None of the funds appropriated above shall be utilized to provide meals to other employees for a charge of less than \$1.00 per meal or to grow, purchase, prepare, or provide food products for employees to use at their homes. All meal fees received are appropriated above in Strategy C.1.4, Institutional Goods. Any fees collected in excess of \$4,308 in fiscal year 2010 and \$4,307 in fiscal year 2011 are hereby appropriated to the department for the same purpose.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

- 11. Benefit Policy Required.** The Board of Criminal Justice shall adopt a written policy relating to benefits provided in Riders 10 and 13 specifying the criteria used to award these benefits to employees, and shall develop a system to account for all costs related to these benefits and all revenues from collection of fees.
- 12. Appropriation: State-owned Housing Authorized.**
  - a. The department's Regional Directors, Chief Wardens, Assistant Wardens, Majors of Correctional Officers, Captain of Correctional Officers, Lieutenant of Correctional Officers, Kennel Sergeants, Maintenance Supervisors, and Fire/Safety Managers at each facility are authorized to live in state-owned housing at rental rates determined by the department.
  - b. Other department employees may live in available state-owned housing as set forth in Article IX, § 11.05, State Owned Housing - Recover Housing Costs of this Act.
  - c. All fees received for employee housing are appropriated above in Strategy C.1.6, Institutional Operations and Maintenance, to be used for maintaining employee housing. Any fees collected in excess of \$750,000 in fiscal year 2010 and \$750,000 in fiscal year 2011 are hereby appropriated to the department for the same purpose.
  - d. Notwithstanding Article IX, § 11.05, the department may allocate housing at reduced or no cost to employees with a demonstrated need based on location and job description.
- 13. Appropriation: Laundry Service.** The department may charge an amount necessary to recover the cost for the provision of laundry services as described herein. The department may launder or dry clean the uniforms of correctional officers at no charge. None of the funds appropriated above may be used to launder or dry clean other employee clothing or to provide other services unless fees are charged to recover the cost of providing the services. All fees collected for laundry and other related services are appropriated above in Strategy C.1.4, Institutional Goods. Any fees collected in excess of \$950,000 in fiscal year 2010 and \$950,000 in fiscal year 2011 are hereby appropriated to the department for the same purpose.
- 14. Employee Medical Care.** Appropriations made in this Act not otherwise restricted in use may also be expended to provide medical attention and hospitalization by correctional medical staff and the correctional hospital facilities, or to pay necessary medical expenses for employees injured while performing the duties of any hazardous position which is not reimbursed by workers' compensation and/or employees' state insurance. For the purpose of this section, "hazardous position" shall mean one for which the regular and normal duties inherently involve the risk or peril of bodily injury or harm. Appropriations made in this Act not otherwise restricted in use may also be expended for medical tests and procedures on employees that are required by federal or state law or regulations when the tests or procedures are required as a result of the employee's job assignment or when considered necessary due to potential or existing litigation.
- 15. Compensatory Time.** Exceptions to the prohibition against substituting other days for holidays may be authorized by the Director of the Texas Department of Criminal Justice for employees who are required to work on holidays due to the continuing operation of the department. Any employee who is required to work on any of the holidays authorized in the general provisions of this Act, and who does work on any of the said holidays, shall be entitled to compensating time off to be taken on such day as may be mutually agreed upon by the employee and supervisor.
- 16. Hazardous Duty Pay.** Employees hired after August 31, 1985, must occupy positions approved by the Texas Board of Criminal Justice and meet statutory criteria to receive hazardous duty pay.
- 17. Transfer Authority within and between Goals.** Subject to capital budget provisions contained in this Act, the Texas Department of Criminal Justice is authorized to transfer such amounts as may be necessary within appropriations made for each goal.

Funds may be transferred between goals, provided that before any transfer between goals which will have the cumulative effect of changing expenditures for any goal by more than 20 percent of the amount appropriated for that goal for the fiscal year, written notification of intent to transfer be provided the Governor, the Legislative Budget Board, the Senate Finance Committee, and the House Appropriations Committee.

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

- 18. Employment Limitation.** None of the funds appropriated above shall be expended by the Department of Criminal Justice to employ anyone who, in the course of his official duties, conducts business with individuals or firms with which the employee has either a direct or indirect financial interest.
- 19. Grievance Procedures.** From funds appropriated above, the Board of Criminal Justice shall maintain employee disciplinary and grievance procedures in compliance with this section.

The Board's disciplinary procedures shall allow an employee of the department to be represented by a designee of the employee's selection who may participate in the hearing on behalf of an employee charged with any type of disciplinary violation.

The Board's grievance procedure shall attempt to solve problems through a process which recognizes the employee's right to bring grievances pursuant to the procedures in this section. The grievance procedure shall include either independent mediation or independent, non-binding arbitration of disputes between the employer and the employee if the disciplining authority recommends that the employee be terminated or the employee is terminated.

Any grievance or disciplinary hearing in which a department employee serves as a representative shall be held during normal business hours on a week day, unless the employer and employee agree otherwise. The employee subject to the hearing attends such hearing as a part of regular employment duties. An employee representative who is a department employee must obtain prior approval to be placed on unpaid leave to attend a hearing.

Nothing in this provision shall authorize expenditures of appropriated funds not authorized elsewhere in this Act.

- 20. Petty Cash Fund Authorized.** The local Petty Cash Revolving Fund in the amount of \$10,000 is continued for the biennium beginning September 1, 2009, and may be used to advance or reimburse transfer agents and for the care and maintenance of convicted felons while en route to the department from points in Texas and elsewhere in the United States; and for the payment of C.O.D. freight and express charges and similar items requiring immediate cash disbursements. The funds shall be reimbursed by warrants drawn and approved by the Comptroller out of appropriated funds to the Texas Department of Criminal Justice.
- 21. Revolving Fund Authorized.** The local Inmate Release Revolving Fund of \$500,000 is continued for each year of the biennium beginning September 1, 2009, and is deposited in a bank or banks in Texas; and all inmates released on parole, mandatory supervision, discharge, or conditional pardon shall be paid out of this fund. The fund shall be reimbursed by warrants drawn and approved by the Comptroller out of appropriated funds to the Texas Department of Criminal Justice.
- 22. Appropriation: Agriculture Receipts.** Each year of the biennium the Texas Department of Criminal Justice (TDCJ) may exchange agricultural products for other agricultural products and finished goods, and all revenue accruing from the sale of agricultural commodities or livestock and other revenues as they apply to sales of equipment, salvage, refunds and to recover damage claims are appropriated above in Strategy C.1.5, Institutional Services. Any revenues collected in excess of \$5,725,974 in fiscal year 2010 and \$5,725,974 in fiscal year 2011 are hereby appropriated to the department for agricultural operations. Any unexpended balance up to \$2,000,000 remaining from revenues on August 31, 2009, and August 31, 2010, is appropriated to allow for continuity of agricultural production and sales cycles which do not conform to fiscal years (fiscal year 2009 unexpended balance estimated to be \$0).
- 23. Appropriation: Acceptance of Grants, Gifts.** The Board of Criminal Justice is authorized to accept federal grants, donations, and gifts, including those of real property, for the programs and projects of the agency. All such gifts, donations, and grants are appropriated above in Strategy C.1.1, Correctional Security Operations, for the purposes for which they are made available, provided, however, that in taking advantage of or accepting such funds, the Board shall not incur any indebtedness which would necessitate a supplemental or additional appropriation out of any funds of this State nor deplete any of the funds herein appropriated to an amount which would necessitate a supplemental or additional appropriation out of any funds of this State to replenish said fund or funds.
- 24. Appropriation: Controlled Substance Receipts.** All funds received under Chapter 59, Code of Criminal Procedure, and Chapter 71, Property Code, by the Texas Department of Criminal Justice



**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

are hereby appropriated above in Strategy G.1.3, Inspector General, to be used for law enforcement purposes. Any funds unexpended at the close of each fiscal year are appropriated for the following year (fiscal year 2009 unexpended balance estimated to be \$0).

25. **Appropriation: Texas Correctional Industries Receipts.** Receipts collected from the sales of products produced by Texas Correctional Industries (TCI) are appropriated above in Strategy C.2.1, Texas Correctional Industries. Any receipts collected in excess of \$49,199,930 in fiscal year 2010 and \$49,199,928 in fiscal year 2011 are hereby appropriated to the department for the continued production of TCI goods and services (estimated to be \$0). Any unexpended and unobligated balance up to \$5,000,000 remaining from TCI revenues on August 31, 2009, and August 31, 2010, is appropriated to the department for the same purpose. The State Comptroller shall transfer any unobligated fund balances from Texas Correctional Industries receipts in excess of \$5,000,000 to the General Revenue Fund at the end of each fiscal year (fiscal year 2009 unexpended balance estimated to be \$0).
26. **Appropriation: Unexpended Balances for Increased Offender Populations.** In order to operate new correctional facilities or programs necessary for increased offender populations under the department's supervision, unexpended balances from appropriations made to the Department of Criminal Justice for fiscal year 2010 are hereby appropriated to the Department for fiscal year 2011 contingent upon written notification to the Governor and the Legislative Budget Board by the Texas Board of Criminal Justice, not less than 45 days prior to encumbrance, which details the amount and purpose of expenditures of funds carried into fiscal year 2011 under authority of this provision.
27. **Transfer Limitation.** Upon any order from a federal court that requires the Texas Department of Criminal Justice to transfer funds from any appropriation made hereinabove, those funds which were attempted to be transferred shall lapse and the Comptroller shall return the amount appropriated to its respective source.
28. **Offender Information Management System.** The Department of Criminal Justice shall use funds appropriated above to automate the offender management function to the greatest extent possible. To this end, the department may contract for automation/reengineering assistance after receiving prior approval from the Legislative Budget Board. Funds for this payment may come from benefits and savings as realized.

The Texas Department of Criminal Justice shall demonstrate that the current phase (Phase III, Period 1) of the Offender Information Management System meets the business needs of the agency and the technical capabilities, performance, and specifications identified during the development phase of the project. The Texas Department of Criminal Justice shall validate that all product requirements are satisfied and that no outstanding issues exist. Senior management of the Board of Pardons and Paroles, the Texas Department of Criminal Justice, and the Parole Division of the Texas Department of Criminal Justice shall provide to the Governor and the Legislative Budget Board a letter of certification validating the usability and functionality of the current system (Phase III, Period 1) before expenditure of funds by the Texas Department of Criminal Justice for the next phase of the project (Phase III, Period 2).

The Texas Department of Criminal Justice shall provide a detailed project plan for the next phase of the Offender Information Management System (Phase III, Period 2), to the Governor and the Legislative Budget Board prior to the expenditure of funds for project implementation. This plan shall include a detailed description of tasks, deliverables, milestones, work efforts, responsible individuals, and due dates. The Texas Department of Criminal Justice shall provide performance measures to assist in evaluating the progress of the project. The Texas Department of Criminal Justice shall continue to provide monthly status reports to the Quality Assurance Team that include project status, change management, risk management, issue and action items, deliverables, and scheduled accomplishments.

29. **Appropriation: Recreational Facility Fees.** The department may charge an amount necessary to recover the cost for the use of recreation facilities. Fees charged for recreation facilities owned and operated by the department are to be deposited in a special account with the Comptroller of Public Accounts. All recreational facility fees received are appropriated above in Strategy C.1.6, Institutional Operations and Maintenance. Any fees collected in excess of \$30,545 in fiscal year 2010 and \$30,545 in fiscal year 2011 are hereby appropriated to the department for continued operation and maintenance of the department's recreational facilities.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

- 30. Purchasing Through Request for Proposal.** The Texas Department of Criminal Justice may purchase care, treatment services, and residential services through the Request for Proposal process.

The Texas Department of Criminal Justice shall:

- a. negotiate purchases to achieve fair and reasonable prices at rates that do not exceed any maximum provided by law, and
  - b. select service providers according to each provider's qualifications and demonstrated competence.
- 31. Parole Supervision Ratio.** The department shall use funds appropriated above in Strategy F.2.1, Parole Supervision, to maintain a ratio of 75 active releasees to one supervising officer in fiscal years 2010 and 2011. The ratio will be calculated by dividing the number of supervising parole officers and case managers currently employed into the total number of releasees supervised, exclusive of those under intensive and super intensive supervision, for which a ratio of 25 and 20 releasees to one supervising officer respectively is to be maintained. In the event that this ratio is not maintained, the Texas Department of Criminal Justice shall file a statement documenting the reasons for noncompliance with the Governor and the Legislative Budget Board.
- 32. Project RIO.** The Texas Workforce Commission, the Texas Department of Criminal Justice, and the Texas Youth Commission shall together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at \$4,559,735 in each fiscal year of the biennium to the Texas Department of Criminal Justice to fund Project RIO. The agencies shall enter into interagency contracts, to include the reporting of performance levels, for the 2010-11 biennium.
- 33. Aircraft Authorization.** The Texas Department of Criminal Justice (TDCJ) is authorized to own or lease, operate, and maintain one aircraft and to replace it if necessary. In the event that a temporary need arises, the TDCJ is authorized to expend funds for the lease or rental of aircraft on an as-needed basis.
- 34. Expenditure Limitation - Windham School District.** None of the funds provided to the Windham School District through the Texas Education Agency shall be expended unless the Board of Criminal Justice has approved an annual operating budget for the school district prior to the expenditure of any funds. The Department of Criminal Justice shall file a copy of that operating budget of the Windham School District with the Governor, the Legislative Budget Board, and the appropriate legislative oversight committees at the beginning of each fiscal year.
- 35. Postsecondary Education Programs.** Postsecondary education courses shall be available only to inmates who have:
- a. demonstrated a clear and convincing record of rehabilitation while incarcerated, and
  - b. demonstrated an interest in a field of study that lends itself to performing specific and beneficial tasks while incarcerated, and
  - c. demonstrated the aptitude and capabilities to do college-level study.

The costs of such postsecondary education programs shall be reimbursed by the inmate as a condition of parole.

The Department of Criminal Justice shall not provide in-cell tutoring for inmates who are in administrative segregation.

The Department of Criminal Justice may not transfer appropriations out of Strategy C.2.2, Academic/Vocational Training.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

**36. Appropriation: Education and Recreation Program Receipts.** All receipts collected from the operation of facility commissaries and all gifts and other income for inmate welfare accruing together with Education and Recreation Program account balances at the beginning of each year of the biennium beginning September 1, 2009, are hereby appropriated above in Strategy C.1.5, Institutional Services, to the Department of Criminal Justice subject to the following provisions:

- a. All receipts collected shall be deposited in accordance with applicable statutes: (1) in the General Revenue Fund of the State Treasury; (2) in trust with the State Comptroller; or (3) in a local bank account on approval by the State Comptroller.
- b. Salaries of personnel employed by the Education and Recreation Program shall conform with the provisions of the Classification Plan except as otherwise provided by this Act.
- c. Funds deposited in Education and Recreation Program accounts shall be expended only with the advance, written approval of the Board of Criminal Justice.
- d. The department shall expend Education and Recreation Program receipts first for the construction, maintenance, equipment and operations of recreational facilities and for the income producing operations of the program. Any remaining balances may be expended for other programs benefiting the welfare of department confinees.

Any Education and Recreation Program receipts collected in excess of \$86,454,303 in fiscal year 2010 and \$86,454,303 in fiscal year 2011 are hereby appropriated to the department subject to the above-cited provisions.

**37. Private Sector Prison Industries Oversight Authority.** Out of funds appropriated above in Strategy C.2.1, Texas Correctional Industries, the Texas Department of Criminal Justice shall provide reimbursement of travel expenses incurred by members of the Private Sector Prison Industries Oversight Authority in accordance with Government Code § 497.055 and provisions of this Act related to the per diem of board or commission members.

**38. Appropriation: Sex Offender Notification Fees.** All fees collected from offenders for reimbursement to local law enforcement authorities for costs incurred in providing notice for publication, including any costs incurred in publishing any photographs needed to provide notice, to a newspaper in accordance with Government Code, § 508.186, are appropriated above in Strategy F.2.1, Parole Supervision, for reimbursing local law enforcement authorities. Any fees collected in excess of \$10,046 in fiscal year 2010 and \$10,046 in fiscal year 2011 are hereby appropriated to the department for the same purpose.

**39. Appropriation: Parole Supervision Fees.** All parole supervision fees collected from offenders in accordance with Government Code § 508.182, are appropriated above in Strategy F.2.1, Parole Supervision. Any fees collected in excess of \$8,399,000 in fiscal year 2010 and \$8,502,000 in fiscal year 2011 are hereby appropriated to the department for parole supervision.

**40. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Texas Department of Criminal Justice may transfer appropriations in an amount not to exceed \$150,000,000 made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

- a. Transfers under this section may be made only:
  - (1) if correctional populations exceed the capacity of the department, or
  - (2) if Federal Funds for Incarcerated Aliens appropriated in fiscal year 2010 to the department are not received in the amount identified in the method of finance for that year, or
  - (3) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.
- b. The transfer authority provided above is exclusive of expenditure needs for Strategy C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare.
- c. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

**41. Managed Health Care - Reporting Requirements.** The Correctional Managed Health Care Committee is required to submit to the Legislative Budget Board and Governor a report detailing:

- a. correctional managed health care actual and projected expenditures for on-site, off-site, and pharmaceutical costs;
- b. health care cost for inmates over age 55 including utilization data;
- c. other health care information determined by the Office of the Governor and the Legislative Budget Board; and
- d. all monies held in reserve during any quarterly reporting period by the Correctional Managed Health Care Committee or for Correctional Managed Health Care by the University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center.

Such reports shall be submitted on a quarterly basis.

**42. Managed Health Care Operational Shortfalls.** For the purpose of offsetting operational shortfalls occurring in correctional managed health care and out of funds appropriated above, the department shall transfer funds as necessary into Strategy C.1.8, Managed Healthcare, for payment to the Correctional Managed Health Care Committee to address any managed health care operational shortfalls for fiscal years 2010-11, not to exceed \$5 million for the biennium. If the department and committee do not agree on transfer amounts deemed necessary, supporting documentation shall be provided to the Governor and the Legislative Budget Board. The Governor and Legislative Budget Board shall then make the final decision.

**43. Computer Refurbishing Program.** The Texas Department of Criminal Justice shall use funds appropriated above in Strategy C.2.1, Texas Correctional Industries, to develop and implement an inmate work program in which donated, second-hand computers are refurbished in prisons for use by public schools.

**44. Capital Expenditures Authorized.** Notwithstanding the limitations placed on the expenditure of funds for capital budget items contained in the general provisions of this Act, the Texas Department of Criminal Justice is hereby authorized to expend funds appropriated to the Texas Department of Criminal Justice for the acquisition of capital budget items and unforeseen building maintenance as approved by the Texas Board of Criminal Justice.

**45. Recruitment and Retention of Staff.** TDCJ shall submit a biennial report on its recruitment and retention efforts to the Governor and the Legislative Budget Board no later than January 1, 2011. The report shall include information on vacancy rates, turnover rates, average years of service, and average number of continuing education training hours for security and nonsecurity staff.

**46. Parole Transitional Support Program.** Out of funds appropriated above in Strategy F.2.1, Parole Supervision, the Texas Department of Criminal Justice (TDCJ) shall use \$50,000 each fiscal year of the 2010-11 biennium for the Transitional Support Program. The TDCJ shall use these funds for the sole purpose of providing contracts for services with recognized non-profit organizations in order to facilitate parolees with their transition from incarceration to release on parole. The contracted services shall emphasize and promote family support and involvement in the transition and should establish the goal of reducing recidivism rates of the individuals who participate in the program.

**47. Correctional Officer Training.** Out of funds appropriated above, the Texas Department of Criminal Justice shall provide at least 284 hours of training for new correctional officers.

**48. Human Resources Management Plan.** From funds appropriated above, the Texas Department of Criminal Justice shall develop a Human Resources Management Plan designed to improve employee morale and retention. The plan must focus on reducing employee turnover through better management. The Texas Department of Criminal Justice shall report, by October 1 of each year of the biennium, to the Senate Finance Committee, the House Committee on Appropriations, the Legislative Budget Board, and the Governor the employee turnover rate, by job category, at the agency during the preceding fiscal year. The effectiveness of an agency's plan shall be measured by whether or not there is a reduction in annual employee turnover rates at the agency, specifically by the reduction in the turnover rates for correctional officers.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

49. **Ombudsman Activity.** From funds appropriated above, the Ombudsman for the Texas Department of Criminal Justice (TDCJ) shall respond to all agency and legislatively referred complaints in a timely manner. The TDCJ shall develop performance measures, trend analysis, and a method of resolution for issues presented. The TDCJ shall provide summary reports regarding this activity to the Legislative Budget Board and the Governor on an annual basis.
50. **Safe Prisons Program.** From funds appropriated above, the Texas Department of Criminal Justice (TDCJ) shall maintain a Safe Prisons Program for the purpose of preventing and limiting the number of sexual assaults by inmates on inmates. Strategies to prevent sexual assaults that may be used in the Safe Prisons Program include, but are not limited to, use of protective custody; use of an inmate's assault history in making cell assignments; use of an inmate's likelihood of victimization in cell assignments; education of correctional officers on the importance of preventing sexual assault; education of new prisoners on the risks of sexual assault, including prosecution; and use of surveillance cameras. TDCJ shall report annually to the Legislative Budget Board and the Governor the number of sexual assaults by inmates on inmates and the actions taken on each assault. Additional reporting elements may be established by the Legislative Budget Board and the Governor. TDCJ shall designate a Safe Prisons Program coordinator who reports directly to the TDCJ Executive Director.
51. **Interagency Contract for Legal Services.** Out of funds appropriated above, \$1.3 million for each fiscal year of the 2010-11 biennium is for an interagency contract with the Office of the Attorney General for legal services provided by the Office of the Attorney General to the Texas Department of Criminal Justice (TDCJ). Any interagency contract funded by appropriated funds may not exceed reasonable attorney fees for similar legal services in the private sector, shall not jeopardize the ability of the TDCJ to carry out its legislative mandates, and shall not affect the budget for the TDCJ such that employees must be terminated in order to pay the amount of the interagency contract.
52. **Appropriation: Unexpended Balances of Construction Bonds.** Any unexpended balances of general obligation bond appropriations that have been approved under the provisions of Article IX, Section 19.70 or Article IX, Section 19.71 of House Bill 1, 80th Legislature, Regular Session, 2007, as of August 31, 2009, for the Texas Department of Criminal Justice (TDCJ) for the repair and rehabilitation of facilities are hereby appropriated to the TDCJ for the biennium beginning September 1, 2009, provided that such appropriated funds shall not be expended without approval of the Board of Criminal Justice and that copies of such approvals shall be filed with the Governor and the Legislative Budget Board. Unexpended balances appropriated for the 2010-11 biennium may be used only for facilities repair and rehabilitation or the conversion of the Marlin Correctional Mental Health Facility and shall not be used for the construction of additional facilities (fiscal year 2009 unexpended balance estimated to be \$0).
53. **Misdemeanor Funding.** The Texas Department of Criminal Justice shall distribute funds at a rate not to exceed \$.70 per day for each misdemeanor defendant directly supervised by a community supervision and corrections department. Funding for each misdemeanor defendant may not exceed the period of time authorized by statute.
54. **Appropriation: Refunds of Unexpended Balances from CSCDs.** The Texas Department of Criminal Justice (TDCJ) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of this biennium by local community supervision and corrections departments (CSCDs). All estimated fiscal years 2008-09 refunds received from CSCDs by TDCJ are appropriated above in Strategies A.1.1, Basic Supervision, A.1.2, Diversion Programs, A.1.3, Community Corrections, and A.1.4, Treatment Alternatives to Incarceration. All refunds received by TDCJ in excess of \$19,800,000 shall be redistributed by TDCJ for the benefit of the community supervision and corrections system (estimated to be \$0).
55. **Transportation - Substance Abuse.** From funds appropriated above, the Department of Criminal Justice shall provide transportation for inmates who are released from Substance Abuse Felony Punishment Facilities (SAFPF) or In-Prison Therapeutic Community (IPTC) facilities and transferred to a residential setting.
56. **Treatment Alternatives to Incarceration Program.** The Texas Department of Criminal Justice is directed to expend at least \$3.25 million each fiscal year of the biennium on the Treatment Alternatives to Incarceration Program as specified in Government Code § 76.017.
57. **Harris County Community Corrections Facility.** Out of funds appropriated above in Strategy A.1.2, Diversion Programs, \$6,500,000 in fiscal year 2010 and \$6,500,000 in fiscal year 2011 in

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

discretionary grants shall be made to the Harris County Community Supervision and Corrections Department for the continued operations of the Harris County Community Corrections Facility.

- 58. Continuity of Care.** Out of the funds appropriated above in Strategy B.1.1, Special Needs Projects, the Texas Correctional Office on Offenders with Medical or Mental Impairments shall coordinate with the Texas Department of State Health Services, county and municipal jails, and community mental health and mental retardation centers on establishing methods for the continuity of care for pre- and post-release activities of defendants who are returned to the county of conviction after the defendant's competency has been restored. The Council shall coordinate in the same manner it performs continuity of care activities for offenders with special needs.
- 59. Texas State Council for Interstate Adult Supervision Authority.** Out of funds appropriated above, TDCJ shall provide reimbursement of travel expenses incurred by members of the Texas State Council for Interstate Adult Offender Supervision while conducting the business of the council in accordance with Government Code, Chapters 510 and 2110, and provisions of this Act related to the per diem of board or commission members.
- 60. Advisory Committee on Offenders with Medical or Mental Impairments.** Out of the funds appropriated above, TDCJ shall provide reimbursement of travel expenses incurred by members of the Advisory Committee on Offenders with Medical or Mental Impairments incurred while conducting business of the committee in accordance with Government Code, Chapters 614 and 2110, and provisions of this Act related to the per diem of board or commission members.
- 61. Correctional Managed Healthcare: Limitation of Expenditure.** Out of the funds appropriated above, the Correctional Managed Healthcare Committee shall not transfer any funds in excess of capitation rates established in contracts to the University of Texas Medical Branch or the Texas Tech University Health Sciences Center without prior approval of the Governor and the Legislative Budget Board. Any funds appropriated for Correctional Managed Healthcare remaining unexpended or unobligated on August 31 of each fiscal year shall lapse to the General Revenue Fund.
- 62. Minimum Standards of Contracted Facilities.** The Texas Department of Criminal Justice may use funds appropriated for Strategy C.1.10, Contracted Temporary Capacity, to contract only with facilities that met the minimum standards promulgated by the Texas Commission on Jail Standards at the time of their most recent audit.
- 63. Probation Caseload Reduction.** Out of funds appropriated above to the Texas Department of Criminal Justice in Strategy A.1.2, Diversion Programs, at least \$14,092,422 in fiscal year 2010 and at least \$14,092,422 in fiscal year 2011 shall be used to fund community supervision officers to reduce caseloads consisting of medium and high risk offenders.
- 64. Residential Treatment and Sanction Beds Funding.** From funds appropriated above in Strategy A.1.2, Diversion Programs, at least \$13,637,500 shall be expended in fiscal year 2010 and at least \$13,637,500 shall be expended in fiscal year 2011 on residential treatment and sanction beds. In distribution of these funds, the Community Justice Assistance Division of the Texas Department of Criminal Justice shall give preference to community supervision and corrections departments having access to currently existing, unfunded residential treatment and sanction beds. The Community Justice Assistance Division shall also give preference to community supervision and corrections departments that have higher rates of community supervision technical revocations in order to maximize the positive effect on the criminal justice system.
- 65. Medically Recommended Intensive Supervision.** From funds appropriated above, the Department of Criminal Justice (TDCJ) shall develop an automated report to assist in identifying offenders eligible for medically recommended intensive supervision (MRIS). TDCJ should work with the University of Texas Medical Branch and the Texas Tech University Health Sciences Center to develop uniform diagnosis codes to signal offenders eligible for release on MRIS.

TDCJ shall expedite its screening process for MRIS by requesting an offender's board file at the same time it assigns a caseworker to complete an interview of the offender.
- 66. Unexpended Balance Authority for Special Needs Projects.** Any unexpended balances as of August 31, 2010, for the Texas Department of Criminal Justice in appropriations made above in Strategy B.1.1, Special Needs Projects, are hereby appropriated to the department for the fiscal year beginning September 1, 2010, for the same purpose.

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

- 67. Monitoring of Community Supervision Diversion Funds.** From funds appropriated above, the Texas Department of Criminal Justice (TDCJ) shall maintain a specific accountability system for tracking community supervision funds targeted at making a positive impact on the criminal justice system.

In addition to continuing the recommendations made by the State Auditor's Office in the September 2004 report (Report No. 05-002) to the Texas Department of Criminal Justice to increase the accuracy and completeness of information used to allocate funds for adult probation services and to improve the monitoring agreements made with the community supervision and corrections departments (CSCDs), the agency shall implement a monitoring system so that the use of funds appropriated in Strategies A.1.2, A.1.3, and A.1.4. can be specifically identified.

The agency shall produce, on an annual basis, detailed monitoring, tracking, utilization, and effectiveness information on the above mentioned funds. This information shall include information on the impact of any new initiatives. Examples include, but are not limited to, number of offenders served, number of residential beds funded, number of community supervision officers hired, and caseload sizes. The agency shall provide documentation regarding the methodology used to distribute the funds. In addition to any other requests for information, the agency shall report the above information for the previous fiscal year to the Legislative Budget Board and the Governor's Office by December 1<sup>st</sup> of each year.

- 68. Mental Health Services.** Out of the funds appropriated above to the Texas Department of Criminal Justice (TDCJ) in Strategy A.1.2, Diversion Programs, and Strategy B.1.1, Special Needs Projects, at least \$31,000,000 shall be expended for enhanced mental health services. Funds appropriated in Strategy A.1.2, Diversion Programs, include \$4,000,000 that shall be used in fiscal year 2010 and \$4,000,000 that shall be used in fiscal year 2011 for specialized mental health caseloads. Funds appropriated in Strategy B.1.1, Special Needs Projects, include \$11,500,000 in fiscal year 2010 and \$11,500,000 in fiscal year 2011 that shall be used to provide case management and mental health services for adult and juvenile offenders.

- 69. Battering Intervention Program.** Out of funds appropriated above in Strategy A.1.2, Diversion Programs, the Texas Department of Criminal Justice (TDCJ) shall allocate \$1,250,000 in fiscal year 2010 and \$1,250,000 in fiscal year 2011 for funding the Battering Intervention and Prevention Program (BIPP) in the manner required by Article 42.141 of the Code of Criminal Procedure. The BIPP shall be administered using a statewide allocation of direct grants from TDCJ to local non-profit organizations in the manner described in Government Code § 509.011. Funds subject to this provision shall be allocated at the local level and designated for use only for these programs. Funds subject to this provision may not be utilized for administrative expenses of local community supervision and corrections departments nor may they be used to supplant local funding.

- 70. Payments to County Prosecutors.** Out of the funds appropriated above, the district clerks in counties with more than four Texas Department of Criminal Justice operational correctional facilities are to be allocated during each year of the biennium, an amount not to exceed \$12,000 annually, to be allocated in equal monthly installments. The allocation shall be used for the purpose of prosecuting persons charged with criminal violations on Texas Department of Criminal Justice property.

- 71. Progressive Sanctions Model.** From funds appropriated above, the Community Justice Assistance Division of the Texas Department of Criminal Justice shall encourage community supervision and corrections departments to employ the progressive sanctions community supervision model. To the maximum extent possible and from funds appropriated to the Texas Department of Criminal Justice in Strategy A.1.2, Diversion Programs, the Community Justice Assistance Division shall give preference to community supervision and corrections departments using the progressive sanctions community supervision model to make a positive impact on the criminal justice system.

- 72. Marlin Correctional Mental Health Facility.** From funds appropriated by this Act for the repair and rehabilitation of facilities, \$13,500,000 in General Obligation Bond Proceeds may be expended to convert the Marlin Veterans Affairs Hospital into an inpatient mental health facility for the Texas Department of Criminal Justice. Also, funds appropriated above in Strategy C.1.1, Correctional Security Operations, include \$5,500,000 in fiscal year 2011 in General Revenue Funds for the operations of the facility, and funds appropriated above in Strategy C.1.7, Psychiatric Care, include \$4,843,986 in fiscal year 2011 in General Revenue Funds to provide inpatient mental health care.

## DEPARTMENT OF CRIMINAL JUSTICE

(Continued)

- 73. Project RIO Referrals and Educational and Workforce Services.** From funds appropriated above in Strategy C.2.3, Project RIO, and Strategy F.2.1, Parole Supervision, the Texas Department of Criminal Justice shall implement methods to 1) ensure that offenders under parole supervision who are unemployed or underemployed are identified and referred to local workforce centers to participate in post-release Project RIO services, and 2) align Project RIO pre-release educational and workforce services to correspond with the types of employment available and location of such opportunities based on information provided by the Texas Workforce Commission. The Department shall provide a report to the Legislative Budget Board and the Governor's Office no later than December 1<sup>st</sup> of each year summarizing the progress and implementation of the requirements listed above.
- 74. Annual Parole Supervision.** Out of funds appropriated above in Strategy F.2.1, Parole Supervision, the Texas Department of Criminal Justice shall develop an annual parole supervision program to supervise nonviolent, low-risk offenders.
- 75. Diversion Initiatives.** The Department of Criminal Justice shall use funds appropriated above for various diversion initiatives in the strategies and General Revenue amounts specified below:
- a. Strategy A.1.2, Diversion Programs. Funding for probation outpatient substance abuse treatment appropriated in the amount of \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011;
  - b. Strategy A.1.2, Diversion Programs. Funding for probation residential treatment beds (800) appropriated in the amount of \$18,004,723 in fiscal year 2010 and \$18,004,723 in fiscal year 2011;
  - c. Strategy B.1.1, Special Needs Projects. Funding for the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to provide mental health services, medications, and continuity of care to juvenile and adult offenders with mental impairments appropriated in the amount of \$5,000,000 in fiscal year 2010 and \$5,000,000 in fiscal year 2011;
  - d. Strategy C.2.5, Substance Abuse Treatment. Funding for Substance Abuse Felony Punishment Facility treatment beds (additional beds in contracted capacity) appropriated in the amount of \$37,226,325 in fiscal year 2010 (1,399 beds) and \$39,980,583 in fiscal year 2011 (1,500 beds). The funding includes aftercare in transitional treatment centers and outpatient counseling;
  - e. Strategy C.2.5, Substance Abuse Treatment. Funding for In-Prison Therapeutic Community Program expansion (1,000 additional treatment slots in existing capacity) appropriated in the amount of \$12,054,125 in fiscal year 2010 and \$12,054,125 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;
  - f. Strategy C.2.5, Substance Abuse Treatment. Funding for Driving While Intoxicated (DWI) treatment beds (500 additional treatment beds in contracted capacity) appropriated in the amount of \$6,027,063 in fiscal year 2010 and \$6,027,063 in fiscal year 2011. The funding includes aftercare in transitional treatment centers and outpatient counseling;
  - g. Strategy C.2.5, Substance Abuse Treatment. Funding for additional treatment slots in State Jails (1,200 beds in existing capacity) appropriated in the amount of \$2,900,000 in fiscal year 2010 and \$2,900,000 in fiscal year 2011;
  - h. Strategy F.2.2, Halfway House Facilities. Funding for parole halfway houses (300 additional beds) appropriated in the amount of \$3,542,324 in fiscal year 2010 and \$3,542,324 in fiscal year 2011; and
  - i. Strategy F.2.3, Intermediate Sanction Facilities. Funding for additional probation and parole beds appropriated in the amount of \$14,375,891 in fiscal year 2010 (992 beds) and \$20,279,035 in fiscal year 2011 (1,400 beds).

Payment for the services provided above in Strategy A.1.2, Diversion Programs, Strategy C.2.5, Substance Abuse Treatment, Strategy F.2.2, Halfway House Facilities, and Strategy F.2.3, Intermediate Sanction Facilities, shall be provided on a per diem or reimbursement basis for



**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

services actually provided to offenders or for beds actually occupied by offenders. Any surplus funding from services directly provided by local community supervision and corrections departments (CSCDs) shall be returned to the state at the end of the biennium in accordance with applicable statutes and rules of this state.

- 76. Withholding of Funds.** The Department of Criminal Justice (TDCJ) may withhold the distribution of funds allocated in Goal A, Provide Prison Diversions, to community supervision and corrections departments (CSCDs) that fail to comply with TDCJ data reporting requirements that include, but are not limited to, data required for the Community Supervision Tracking System, Quarterly Financial Reports, Monthly Community Supervision and Correction Reports, Caseload Reports, Program Output reports and other data required by TDCJ for accountability purposes.
- 77. Job Placement Pilot Program.** From funds appropriated above in Strategy F.2.1, Parole Supervision, \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 in General Revenue Funds may be used for the development of a job placement pilot program using a private vendor selected through a request for proposal process. The program shall ensure that services correspond with the types of employment available and location of such opportunities. The agency shall submit a report to the Legislative Budget Board and the Governor's Office summarizing the implementation and activities of the pilot program by December 1<sup>st</sup> of each year. The report shall include, but not be limited to:
- a. The number of offenders served by the job placement pilot program;
  - b. The number of program participants who obtain employment through the pilot program;
  - c. The employment retention rate;
  - d. The average annual earnings of each participant; and
  - e. A review of underemployment among program participants to identify and implement activities for improvement.
- 78. Targeted Substance Abuse Treatment.** From funds appropriated above in Strategy A.1.2, Diversion Programs, \$1,000,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 may be used to provide substance abuse aftercare and treatment in an outpatient setting in conjunction with ongoing monitoring and oversight provided by the contracting entity for defendants completing contract residential or community corrections facilities' placements for substance abuse.

It is the intent of the Legislature that the Department of Criminal Justice shall give preference to those counties with the greatest need in order to maximize the positive effect of reducing recidivism and providing alternatives to incarceration within the criminal justice system.

- 79. Appropriation Authority for General Obligation Bond Proceeds.**<sup>4</sup> Appropriated above in Strategy D.1.1, Facilities Construction, in fiscal year 2010 is \$45,000,000 and in fiscal year 2011 is \$35,000,000 in general obligation bond proceeds for projects for the Department of Criminal Justice as described in Article IX, Sec. 17.11, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

- 80. Community Supervision Officers and Direct Care Staff Salary Increases.** From funds appropriated above in Strategy A.1.2, Diversion Programs, the Department of Criminal Justice (TDCJ) shall provide \$4,375,000 in fiscal year 2010 and \$8,750,000 in fiscal year 2011 in General Revenue Funds to local community supervision and corrections departments for salary increases for community supervision officers and direct care staff. It is the intent of the Legislature that the community supervision officers and direct care staff receive a three and a half percent increase in salaries in fiscal year 2010 and an additional three and a half percent increase in fiscal year 2011

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<sup>4</sup> Modified to correct reference error.

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

based on the employee's annual compensation as of August 31, 2009. These funds shall not be used to supplant existing expenditures associated with programs and services within local community supervision and corrections departments.

**81. Contingency for Reducing and Increasing Texas Department of Criminal Justice**

**Appropriations.**<sup>5</sup> Contingent on the enactment of Senate Bill 1206, House Bill 1899, House Bill 1958, or similar legislation relating to the release of certain inmates who complete a rehabilitation tier program from the Texas Department of Criminal Justice, by the Eighty-first Legislature, Regular Session, funding in Goal C, Incarcerate Felons, is reduced by \$9,039,832 in General Revenue Funds in fiscal year 2010 and \$5,742,667 in General Revenue Funds in fiscal year 2011. Also contingent on the enactment of this legislation, funding in Strategy F.2.1 Parole Supervision, is increased by \$736,746 in General Revenue Funds in fiscal year 2010 and \$468,027 in General Revenue Funds in fiscal year 2011 to provide for the supervision of these offenders.

**82. Managed Health Care Staff Loan Repayment.** From the amounts appropriated above in Strategy C.1.7, Psychiatric Care, and Strategy C.1.8, Managed Healthcare, the Correctional Managed Health Care Committee established under Subchapter E, Chapter 501, Government Code, may use not more than a total of \$500,000 for fiscal year 2010 and \$500,000 for fiscal year 2011 for loan repayment assistance for medical and mental health care staff in accordance with guidelines established by the committee. Not later than December 1, 2011, the committee shall submit to the Legislative Budget Board and the Office of the Governor a report detailing the use and disposition of those funds.

**83. Managed Health Care - Appropriation Transfer Between Fiscal Years.** In addition to transfer authority provided elsewhere in this Act, the Correctional Managed Health Care Committee may transfer appropriations in an amount not to exceed \$20 million made for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:

a. Transfers under this section may be made only if:

(1) costs of providing correctional managed health care exceed available funding due to increases in prison population, increases in medical care needs among the prison population, or increases in health care staffing costs, or

(2) for any other emergency expenditure requirements, including expenditures necessitated by public calamity.

b. A transfer authorized by this section above must receive the prior approval of the Governor and the Legislative Budget Board.

c. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.

**84. Salary Increase for Certain Department Employees.** Out of funds appropriated to the Texas Department of Criminal Justice above, the department shall increase the annual compensation of department employees employed in the following areas or categories in an amount equal to three and a half percent in fiscal year 2010 and an additional three and a half percent in fiscal year 2011 of the employee's annual compensation as of August 31, 2009:

- a. TCI Industrial Specialists,
- b. Agricultural Unit Operations,
- c. Unit Maintenance Operations,
- d. Unit Clerical Staff,
- e. Mailroom Operations,
- f. Countroom Operations,
- g. Commissary Operations,
- h. Intake Operations/Photo and ID,
- i. Property and Supply Officers,
- j. Unit Classification Operations,
- k. Unit Human Resource Assistants,
- l. Chaplaincy,

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<sup>5</sup> The Governor vetoed SB 1206, 81<sup>st</sup> Legislature, Regular Session and TDCJ Rider 81, resulting in an increase in General Revenue Funds by \$8,303,086 in FY 2010 and \$5,274,640 in FY 2011. See the Governor's Veto Proclamation.

**DEPARTMENT OF CRIMINAL JUSTICE**  
(Continued)

- m. Unit Project RIO,
- n. Counsel Substitute,
- o. Substance Abuse Treatment Program,
- p. Grievance Investigators,
- q. Risk Management,
- r. Law Librarians,
- s. Sex Offender Treatment Program,
- t. TCI Accountants,
- u. Health Care/Diagnostics and Evaluation,
- v. Treatment Services - Unit Staff, and
- w. Truck Drivers and Correctional Transportation Officers

**85. Serving for Success Diversion Program.** From funds appropriated above in Strategy A.1.2, Diversion Programs, \$2,000,000 in fiscal year 2010 and \$2,000,000 in fiscal year 2011 shall be used for one-time start-up costs for the Serving for Success Diversion Program with the Houston Food Bank to provide job training for offenders and community service by inmate volunteers.

**COMMISSION ON FIRE PROTECTION**

	For the Years Ending August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees <sup>1</sup>	\$ 3,444,739	\$ 3,420,369
Appropriated Receipts	<u>35,000</u>	<u>35,000</u>
<b>Total, Method of Financing</b>	<u>\$ 3,479,739</u>	<u>\$ 3,455,369</u>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>1</sup></b>	41.0	41.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 3	\$92,600	\$92,600
<b>Items of Appropriation:</b>		
<b>A. Goal: EDUCATION &amp; ASSISTANCE</b>		
Provide Fire-related Information and Resources.		
<b>A.1.1. Strategy: FIRE SAFETY INFO &amp; EDUC PROGRAMS</b>	\$ 72,948	\$ 72,948
Fire Safety Information & Educational Programs.		
<b>A.2.1. Strategy: ADMINISTER GRANT PROGRAM<sup>2</sup></b>	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>
Administer Grant/Loan Program.		
<b>Total, Goal A: EDUCATION &amp; ASSISTANCE</b>	<u>\$ 1,072,948</u>	<u>\$ 1,072,948</u>
<b>B. Goal: FIRE DEPARTMENT STANDARDS</b>		
Enforce Fire Department Standards.		
<b>B.1.1. Strategy: CERTIFY &amp; REGULATE FIRE SERVICE<sup>1</sup></b>	\$ 1,584,928	\$ 1,580,958
Certify and Regulate Fire Departments and Personnel.		

<sup>1</sup> Incorporates Article IX, § 17.102, of this Act, due to the enactment of SB 1011, 81<sup>st</sup> Legislature, Regular Session, relating to the continuation and functions of the Commission on Fire Protection, resulting in an increase in General Revenue Funds (Fund 8042-Insurance Companies Maintenance Tax and Insurance Department Fees) of \$98,571 and 1.0 FTE in FY 2010 and \$132,701 and 1.0 FTE in FY 2011. This appropriation is contingent upon the Comptroller of Public Accounts issuing a finding of fact that the Commission on Fire Protection has increased revenues by \$163,400 in excess of the Comptroller's Biennial Revenue Estimate.

<sup>2</sup> The passage of SB 1011, 81<sup>st</sup> Legislature, Regular Session, abolishes the Fire Department Emergency Program (Strategy A.2.1.) on January 1, 2010. Any unexpended and unobligated balance of funds appropriated for the Fire Department Emergency Program will be transferred to the Texas Forest Service.

**COMMISSION ON FIRE PROTECTION**  
(Continued)

<b>C. Goal:</b> INDIRECT ADMINISTRATION		
<b>C.1.1. Strategy:</b> INDIRECT ADMINISTRATION	\$ 821,863	\$ 801,463
<b>Grand Total, COMMISSION ON FIRE PROTECTION</b>	<u>\$ 3,479,739</u>	<u>\$ 3,455,369</u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,025,211	\$ 2,025,211
Other Personnel Costs	65,360	52,360
Professional Fees and Services	7,000	7,000
Consumable Supplies	15,600	15,600
Utilities	25,544	25,544
Travel	125,000	125,000
Rent - Building	12,000	12,000
Rent - Machine and Other	33,600	33,600
Other Operating Expense	155,424	144,054
Grants	1,000,000	1,000,000
Capital Expenditures	<u>15,000</u>	<u>15,000</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 3,479,739</u>	<u>\$ 3,455,369</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 106,255	\$ 107,849
Group Insurance	384,953	422,229
Social Security	129,062	130,998
Benefits Replacement	<u>8,167</u>	<u>7,758</u>
Subtotal, Employee Benefits	<u>\$ 628,437</u>	<u>\$ 668,834</u>

Debt Service

Lease Payments	<u>\$ 9,207</u>	<u>\$ 6,000</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	<u>\$ 637,644</u>	<u>\$ 674,834</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Commission on Fire Protection. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Fire Protection. In order to achieve the objectives and service standards established by this Act, the Commission on Fire Protection shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> EDUCATION & ASSISTANCE		
<b>Outcome (Results/Impact):</b>		
Percentage of Total Amount Requested for Loans/Grants Compared with Requests Awarded	36%	36%
<b>B. Goal:</b> FIRE DEPARTMENT STANDARDS		
<b>Outcome (Results/Impact):</b>		
Percentage of Inspected Fire Certificate Holders with No Recent Violations	95%	95%
<b>B.1.1. Strategy:</b> CERTIFY & REGULATE FIRE SERVICE		
<b>Explanatory:</b>		
Number of Fire Service Personnel Certified	26,750	26,750

- 2. Training Restriction.** None of the funds appropriated above may be expended for fire protection or fire management training except through contract with Texas Commission on Fire Protection approved training programs external to the commission in order to avoid duplication of service.

## COMMISSION ON FIRE PROTECTION

(Continued)

3. **Appropriation of Receipts - Loan Repayments Revolving Fund.**<sup>3</sup> In addition to the amounts appropriated above, the Texas Commission on Fire Protection is hereby appropriated all loan repayments, loan forfeitures, and other revenue accruing to the revolving loan fund in excess of \$229,000 for fiscal year 2010 and in excess of \$229,000 for fiscal year 2011 for the purpose of making additional loans as established in Government Code, Chapter 419, Subchapter C (estimated to be \$0). The unexpended balance in Strategy A.2.1, Administer Grant Program, and of collections in excess of \$229,000 in the revolving loan fund at the end of fiscal year 2010 is hereby appropriated for fiscal year 2011 for the same purpose.
4. **Grants and Loan Program.**<sup>3</sup> Funds appropriated above in Strategy A.2.1, Administer Grant Program, shall be used solely for grants and loans to fire departments per Government Code § 419.053. Funds shall not be transferred out of this strategy and any funds not used for grants and loans shall lapse at the end of the biennium.
5. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Commission on Fire Protection are made contingent on the continuation of the Commission on Fire Protection by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
6. **Contingency for Fire Fighter Certification Fees.** Included in the amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, and Strategy C.1.1, Indirect Administration, is \$366,500 in fiscal year 2010 and \$321,000 in fiscal year 2011 out of the General Revenue Fund (Fund 8042 - Insurance Companies Maintenance Tax and Insurance Department Fees) for the purpose of certifying and regulating the fire service. These appropriations are contingent upon the Commission on Fire Protection increasing revenues from certification fees, pursuant to Government Code, Chapter 419, by \$857,206 and providing such information deemed necessary by the Comptroller of Public Accounts to issue a finding of fact that the increased revenues are estimated to be available in excess of the Comptroller's Biennial Revenue Estimate, including supplemental estimates used in certifying this Act, to fund the increased appropriations and benefits. Also contingent on the finding of fact, the "Number of Full-time-equivalents (FTE)" indicated above includes 7 FTEs in fiscal year 2010, and 7 FTEs in fiscal year 2011.

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<sup>3</sup> The passage of SB 1011, 81<sup>st</sup> Legislature, Regular Session, abolishes the Fire Department Emergency Program (Strategy A.2.1.) on January 1, 2010. Any unexpended and unobligated balance of funds appropriated for the Fire Department Emergency Program will be transferred to the Texas Forest Service.

## COMMISSION ON JAIL STANDARDS

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,046,848	\$ 1,046,848
<u>Other Funds</u>		
Criminal Justice Grants	25,000	25,000
Appropriated Receipts	3,500	3,500
Subtotal, Other Funds	<u>\$ 28,500</u>	<u>\$ 28,500</u>
<b>Total, Method of Financing</b>	<u><u>\$ 1,075,348</u></u>	<u><u>\$ 1,075,348</u></u>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	19.0	19.0

## COMMISSION ON JAIL STANDARDS

(Continued)

**Schedule of Exempt Positions:**

Executive Director, Group 1	\$75,350	\$75,350
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**Items of Appropriation:**

**A. Goal: EFFECTIVE JAIL STANDARDS**

Assist Local Govts through Effective Standards & Technical Assistance.

<b>A.1.1. Strategy: INSPECTION AND ENFORCEMENT</b> Perform Inspections of Facilities and Enforce Standards.	\$ 336,470	\$ 336,470
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<b>A.1.2. Strategy: JUVENILE JUSTICE SURVEY</b> Perform Annual Survey of Jails to Determine Compliance with JJDPA.	\$ 25,000	\$ 25,000
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<b>A.2.1. Strategy: CONSTRUCTION PLAN REVIEW</b> Assist with Facility Need Analysis and Construction Document Review.	\$ 128,264	\$ 128,264
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<b>A.2.2. Strategy: MANAGEMENT CONSULTATION</b> Assist with Staffing Analysis, Operating Plans, & Program Development.	\$ 186,868	\$ 186,868
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<b>A.3.1. Strategy: AUDITING POPULATION AND COSTS</b> Collect and Analyze Data Concerning Inmate Population/Backlogs/Costs.	\$ 65,635	\$ 65,635
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<b>Total, Goal A: EFFECTIVE JAIL STANDARDS</b>	<u>\$ 742,237</u>	<u>\$ 742,237</u>
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**B. Goal: INDIRECT ADMINISTRATION**

<b>B.1.1. Strategy: INDIRECT ADMINISTRATION</b>	\$ 333,111	\$ 333,111
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<b>Grand Total, COMMISSION ON JAIL STANDARDS</b>	<u>\$ 1,075,348</u>	<u>\$ 1,075,348</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 797,300	\$ 797,300
Other Personnel Costs	31,684	31,684
Professional Fees and Services	36,513	36,513
Consumable Supplies	12,452	12,452
Utilities	1,647	1,647
Travel	136,204	136,204
Rent - Building	364	364
Rent - Machine and Other	21,615	21,615
Other Operating Expense	26,981	26,981
Capital Expenditures	<u>10,588</u>	<u>10,588</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 1,075,348</u>	<u>\$ 1,075,348</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 39,661	\$ 40,256
Group Insurance	117,106	126,877
Social Security	50,319	51,074
Benefits Replacement	<u>1,853</u>	<u>1,761</u>

Subtotal, Employee Benefits	<u>\$ 208,939</u>	<u>\$ 219,968</u>
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Debt Service

Lease Payments	<u>\$ 53,529</u>	<u>\$ 53,650</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 262,468</u>	<u>\$ 273,618</u>
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1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Commission on Jail Standards. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Jail Standards. In order to achieve the objectives and service standards established by this Act, the Commission on Jail Standards shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

**COMMISSION ON JAIL STANDARDS**  
(Continued)

	2010	2011
<b>A. Goal: EFFECTIVE JAIL STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Number of Jails Achieving Compliance with Standards	220	222
Percent of Jails with Management-related Deficiencies	10%	10%
<b>A.1.1. Strategy: INSPECTION AND ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Annual Inspections Conducted	251	251
<b>A.2.1. Strategy: CONSTRUCTION PLAN REVIEW</b>		
<b>Output (Volume):</b>		
Number of On-site Planning and Construction Consultations with Jail Representatives	140	140
<b>A.2.2. Strategy: MANAGEMENT CONSULTATION</b>		
<b>Output (Volume):</b>		
Number of On-site Operation and Management Consultations with Jail Representatives	300	300
<b>A.3.1. Strategy: AUDITING POPULATION AND COSTS</b>		
<b>Output (Volume):</b>		
Number of Paper-ready Reports Analyzed	6,300	6,300
<b>2. Appropriation: Inspection Fees.</b> The Commission on Jail Standards is hereby appropriated fees collected to pay only the cost incurred by the commission in performing inspections pursuant to Government Code § 511.0091 (estimated to be \$13,000 in fiscal year 2010 and \$13,000 in fiscal year 2011 from the General Revenue Fund and included in the amounts appropriated above).		
<b>3. Sunset Contingency.</b> Funds appropriated for fiscal year 2011 for the Texas Commission on Jail Standards are made contingent on the continuation of the Texas Commission on Jail Standards by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.		

**JUVENILE PROBATION COMMISSION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 150,743,963	\$ 147,727,384
Federal Funds	19,209,156	19,209,156
<u>Other Funds</u>		
Appropriated Receipts	1,345,000	1,345,000
Interagency Contracts - Transfer from Foundation School Fund No. 193	11,476,023	11,534,404
Subtotal, Other Funds	<u>\$ 12,821,023</u>	<u>\$ 12,879,404</u>
<b>Total, Method of Financing</b>	<u>\$ 182,774,142</u>	<u>\$ 179,815,944</u>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	75.0	75.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$120,023	\$120,023
<b>Items of Appropriation:</b>		
<b>A. Goal: BASIC PROBATION</b>		
<b>A.1.1. Strategy: BASIC PROBATION SERVICES</b>	\$ 33,441,181	\$ 33,441,181
<b>A.1.2. Strategy: PROGRESSIVE SANCTIONS LEVELS 1-3</b>	<u>\$ 14,120,361</u>	<u>\$ 14,120,361</u>
<b>Total, Goal A: BASIC PROBATION</b>	<u>\$ 47,561,542</u>	<u>\$ 47,561,542</u>

**JUVENILE PROBATION COMMISSION**  
(Continued)

<b>B. Goal: COMMUNITY CORRECTIONS</b>		
<b>B.1.1. Strategy: COMMUNITY CORRECTIONS SERVICES</b>	\$ 93,587,112	\$ 90,587,112
<b>B.1.2. Strategy: HARRIS COUNTY BOOT CAMP</b>	\$ 1,000,000	\$ 1,000,000
<b>B.1.3. Strategy: LOCAL POST-ADJUDICATION FACILITIES</b>	\$ 4,147,038	\$ 4,147,038
<b>B.1.4. Strategy: SPECIAL NEEDS DIVERSIONARY PROGRAMS</b>	<u>\$ 1,974,034</u>	<u>\$ 1,974,034</u>
<b>Total, Goal B: COMMUNITY CORRECTIONS</b>	<u>\$ 100,708,184</u>	<u>\$ 97,708,184</u>
<b>C. Goal: PROBATION ASSISTANCE</b>		
<b>C.1.1. Strategy: PROBATION ASSISTANCE Training/Technical Assistance on Community-based Corrections.</b>	\$ 21,904,996	\$ 21,888,417
<b>D. Goal: JUVENILE JUSTICE ALTERNATIVE ED PGM</b> Juvenile Justice Alternative Education Programs.		
<b>D.1.1. Strategy: JUVENILE JUSTICE ALTERNATIVE ED PGM</b> Juvenile Justice Alternative Education Programs.	\$ 11,476,023	\$ 11,534,404
<b>E. Goal: INDIRECT ADMINISTRATION</b>		
<b>E.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 985,768	\$ 985,768
<b>E.1.2. Strategy: INFORMATION RESOURCES</b>	<u>\$ 137,629</u>	<u>\$ 137,629</u>
<b>Total, Goal E: INDIRECT ADMINISTRATION</b>	<u>\$ 1,123,397</u>	<u>\$ 1,123,397</u>
<b>Grand Total, JUVENILE PROBATION COMMISSION</b>	<u>\$ 182,774,142</u>	<u>\$ 179,815,944</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 3,753,084	\$ 3,753,084
Other Personnel Costs	11,503	11,503
Professional Fees and Services	34,000	34,000
Consumable Supplies	58,301	60,937
Utilities	26,192	26,192
Travel	108,262	110,896
Rent - Machine and Other	36,917	36,917
Other Operating Expense	3,126,096	128,729
Grants	175,065,305	175,623,686
Capital Expenditures	<u>554,482</u>	<u>30,000</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 182,774,142</u>	<u>\$ 179,815,944</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 226,159	\$ 229,552
Group Insurance	409,287	440,878
Social Security	282,390	286,626
Benefits Replacement	<u>17,829</u>	<u>16,937</u>
Subtotal, Employee Benefits	<u>\$ 935,665</u>	<u>\$ 973,993</u>
<u>Debt Service</u>		
TPFA GO Bond Debt Service	\$ 1,023,543	\$ 894,536
Lease Payments	<u>154,507</u>	<u>154,825</u>
Subtotal, Debt Service	<u>\$ 1,178,050</u>	<u>\$ 1,049,361</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 2,113,715</u>	<u>\$ 2,023,354</u>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Juvenile Probation Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Juvenile Probation Commission. In order to achieve the objectives and service standards established by this Act, the Juvenile Probation Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.



**JUVENILE PROBATION COMMISSION**  
(Continued)

	2010	2011
<b>A. Goal: BASIC PROBATION</b>		
<b>Outcome (Results/Impact):</b>		
Rate of Successful Completion of Deferred Prosecution	85%	85%
Rate of Successful Completion of Court-ordered Probation	87%	87%
<b>A.1.1. Strategy: BASIC PROBATION SERVICES</b>		
<b>Output (Volume):</b>		
Average Daily Population of Youth Supervised under Deferred Prosecution	11,823	11,801
Average Daily Population of Youth Supervised under Court-ordered Probation	23,619	23,406
Average Daily Population of Youth Supervised Prior to Disposition	7,654	7,721
<b>Efficiencies:</b>		
Average State Cost Per Referral	1,390.82	1,336.61
Average State Cost Per Juvenile Supervised Per Day	9.43	9.27
<b>Explanatory:</b>		
Total Number of Referrals	106,606	108,685
<b>B. Goal: COMMUNITY CORRECTIONS</b>		
<b>Outcome (Results/Impact):</b>		
Number of Juveniles under Probation Supervision		
Committed to Texas Youth Commission	624	624
<b>B.1.1. Strategy: COMMUNITY CORRECTIONS SERVICES</b>		
<b>Output (Volume):</b>		
Average Daily Population of Youth Supervised under Intensive Supervision Probation	4,000	4,000
Average Daily Population of Residential Placements <sup>1</sup>	3,400	3,400
<b>C. Goal: PROBATION ASSISTANCE</b>		
<b>C.1.1. Strategy: PROBATION ASSISTANCE</b>		
<b>Output (Volume):</b>		
Number of Training Hours Provided	12,174	12,337
Total Number of Officers Certified	1,774	1,600
<b>D. Goal: JUVENILE JUSTICE ALTERNATIVE ED PGM</b>		
<b>D.1.1. Strategy: JUVENILE JUSTICE ALTERNATIVE ED PGM</b>		
<b>Output (Volume):</b>		
Number of Mandatory Students Entering Juvenile Justice Alternative Education Programs	2,817	2,832
Mandatory Student Attendance Days in JJAEP During the Regular School Year	138,937	139,676
<b>2. Capital Budget.</b> None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.		

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Desktop/Server Scheduled Replacement	\$ 21,096	\$ 20,000
(2) System Backup Infrastructure Replacement	20,000	0
(3) Network Firewall	0	10,000
(4) Juvenile Justice Information System	<u>\$ 500,000</u>	<u>\$ 0</u>
Total, Acquisition of Information Resource Technologies	<u>\$ 541,096</u>	<u>\$ 30,000</u>
Total, Capital Budget	<u><u>\$ 541,096</u></u>	<u><u>\$ 30,000</u></u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 541,096	\$ 30,000
Total, Method of Financing	<u><u>\$ 541,096</u></u>	<u><u>\$ 30,000</u></u>

<sup>1</sup> Modified to correct error.

## JUVENILE PROBATION COMMISSION

(Continued)

3. **Restriction, State Aid.** None of the funds appropriated above in Strategy A.1.1, Basic Probation Services, and allocated to local juvenile probation boards shall be expended for salaries or expenses of juvenile board members.
4. **Appropriation of Federal Title IV-E Receipts.** The provisions of Title IV-E of the Social Security Act shall be used in order to increase funds available for juvenile justice services. The Juvenile Probation Commission shall certify or transfer state funds to the Texas Department of Family and Protective Services so that federal financial participation can be claimed for Title IV-E services provided by counties. The Juvenile Probation Commission shall direct necessary general revenue funding to ensure that the federal match for the Title IV-E Social Security Act is maximized for use by participating counties. Such federal receipts are appropriated to the Juvenile Probation Commission for the purpose of reimbursing counties for services provided to eligible children.
5. **Juvenile Boot Camp Funding.** Out of the funds appropriated above in Strategy B.1.2, Harris County Boot Camp, the amount of \$1,000,000 annually may be expended only for the purpose of providing a juvenile boot camp in Harris County.
6. **Residential Facilities.** Juvenile Boards may use funds appropriated in Goal A, Basic Probation, and Goal B, Community Corrections, to lease, contract for, or reserve bed space with public and private residential facilities for the purpose of providing rehabilitation and treatment to juvenile offenders. Funds used for placements may not exceed the Commission's Tier Level of Care Rates.
7. **County Funding Levels.** To receive the full amount of state aid funds for which a juvenile board may be eligible, a juvenile board must demonstrate to the commission's satisfaction that the amount of local or county funds budgeted for juvenile services is at least equal to the amount spent for those services, excluding construction and capital outlay expenses, in the 1994 county fiscal year. This requirement shall not be waived by the commission unless the juvenile board demonstrates to the satisfaction of the commission that unusual, catastrophic, or exceptional circumstances existed during the year in question to adversely affect the level of county fiscal effort. If the required local funding level is not met and no waiver is granted by the commission, the commission shall reduce the allocation of state aid funds to the juvenile board by the amount equal to the amount that the county funding is below the required funding.
8. **Local Post-adjudication Facilities.** Out of the funds appropriated above in Strategy B.1.3, Local Post-Adjudication Facilities, the amount of \$4,147,038 in fiscal year 2010 and \$4,147,038 in fiscal year 2011 in General Revenue Funds may be used only for the purpose of funding local post-adjudication facilities. The agency shall fund these facilities based on historical occupancy rates, rather than the number of beds in the facility.
9. **Juvenile Justice Alternative Education Programs (JJAEP).** Out of the funds transferred to the Juvenile Probation Commission pursuant to Texas Education Agency (TEA) Rider 33 and appropriated above in Strategy D.1.1, Juvenile Justice Alternative Education Programs, the Juvenile Probation Commission shall allocate \$1,500,000 at the beginning of each fiscal year to be distributed on the basis of juvenile age population among the mandated counties identified in Chapter 37, Texas Education Code, and those counties with populations between 72,000 and 125,000 which choose to participate under the requirements of Chapter 37.

An additional \$500,000 shall be set aside in a reserve fund for each fiscal year of the biennium to allow mandated and non-mandated counties to apply for additional funds on a grant basis.

The remaining funds shall be allocated for distribution to the counties mandated by § 37.011(a) Texas Education Code, at the rate of \$79 per student per day of attendance in the JJAEP for students who are required to be expelled as provided under § 37.007, Texas Education Code, and are intended to cover the full cost of providing education services to such students. Counties are not eligible to receive these funds until the funds initially allocated at the beginning of each fiscal year have been expended at the rate of \$79 per student per day of attendance. Counties in which populations exceed 72,000 but are 125,000 or less, may participate in the JJAEP and are eligible for state reimbursement at the rate of \$79 per student per day.

The Juvenile Probation Commission may expend any remaining funds for summer school programs in counties with a population over 72,000 which are funded as mandated counties in Chapter 37. Funds may be used for any student assigned to a JJAEP. Summer school expenditures may not exceed \$3.0 million in any fiscal year.

## JUVENILE PROBATION COMMISSION (Continued)

Unspent balances in fiscal year 2010 shall be appropriated to fiscal year 2011 for the same purposes in Strategy D.1.1.

The amount of \$79 per student day for the JJAEP is an estimated amount and not intended to be an entitlement. Appropriations for JJAEP are limited to the amounts transferred from the Foundation School Program pursuant to TEA Rider 33. The amount of \$79 per student per day may vary depending on the total number of students actually attending the JJAEPs. Any unexpended or unobligated appropriations shall lapse at the end of fiscal year 2011 to the Foundation School Fund No. 193.

The Juvenile Probation Commission may reduce, suspend, or withhold Juvenile Justice Alternative Education Program funds to counties that do not comply with standards, accountability measures, or Texas Education Code Chapter 37.

- 10. Funding for Additional Eligible Students in JJAEPs.** Out of funds appropriated above in Strategy D.1.1, Juvenile Justice Alternative Education Programs, a maximum of \$500,000 in each fiscal year (for a maximum of 90 attendance days per child), is allocated for counties with a population of at least 72,000 which operate a JJAEP under the standards of Chapter 37, Texas Education Code. The county is eligible to receive funding from the Juvenile Probation Commission at the rate of \$79 per day per student for students who are required to be expelled under § 37.007, Texas Education Code, and who are expelled from a school district in a county that does not operate a JJAEP.
- 11. Use of JJAEP Funds.** None of the funds appropriated above for the support of JJAEPs shall be used to hire a person or entity to do lobbying.
- 12. JJAEP Accountability.** Out of funds appropriated above in Strategy D.1.1, Juvenile Justice Alternative Education Programs (JJAEP), the Juvenile Probation Commission shall ensure that Juvenile Justice Alternative Education Programs are held accountable for student academic and behavioral success. The Juvenile Probation Commission shall submit a performance assessment report to the Legislative Budget Board and the Governor by May 1, 2010. The report shall include, but is not limited to, the following:
  - a. an assessment of the degree to which each JJAEP enhanced the academic performance and behavioral improvement of attending students;
  - b. a detailed discussion on the use of standard measures used to compare program formats and to identify those JJAEPs most successful with attending students;
  - c. student passage rates on the Texas Assessment of Knowledge and Skills (TAKS) in the areas of reading and math for students enrolled in the JJAEP for a period of 90 days or longer;
  - d. standardized cost reports from each JJAEP and their contracting independent school district(s) to determine differing cost factors and actual costs per each JJAEP program by school year;
  - e. average cost per student attendance day for JJAEP students. The cost per day information shall include an itemization of the costs of providing educational services mandated in the Texas Education Code § 37.011. This itemization shall separate the costs of mandated educational services from the cost of all other services provided in JJAEPs. Mandated educational services include facilities, staff, and instructional materials specifically related to the services mandated in Texas Education Code, § 37.011. All other services include, but are not limited to, programs such as family, group, and individual counseling, military-style training, substance abuse counseling, and parenting programs for parents of program youth; and
  - f. inclusion of a comprehensive five-year strategic plan for the continuing evaluation of JJAEPs which shall include oversight guidelines to improve: school district compliance with minimum program and accountability standards, attendance reporting, consistent collection of costs and program data, training, and technical assistance needs.
- 13. Training.** From funds appropriated above in Strategy C.1.1, Probation Assistance, the Juvenile Probation Commission shall provide training to local juvenile justice practitioners and related professionals including local Juvenile Judges to maximize the appropriate placement of juveniles according to the progressive sanction guidelines.

**JUVENILE PROBATION COMMISSION**  
(Continued)

- 14. Unexpended Balances - Hold Harmless Provision.** Any unexpended balances as of August 31, 2010, in Strategy A.1.1, Basic Probation Services (estimated to be \$200,000), and in Strategy B.1.1, Community Corrections Services (estimated to be \$200,000), above are hereby appropriated to the Juvenile Probation Commission in fiscal year 2011 for the purpose of providing funding for juvenile probation departments whose allocation would otherwise be affected as a result of reallocations related to population shifts.
- 15. Appropriation: Refunds of Unexpended Balances from Local Juvenile Probation Departments.** The Juvenile Probation Commission (JPC) shall maintain procedures to ensure that the state is refunded all unexpended and unencumbered balances of state funds held as of the close of each fiscal year by local juvenile probation departments. All fiscal year 2010 and fiscal year 2011 refunds received from local juvenile probation departments by JPC are appropriated above in Strategy B.1.1, Community Corrections Services. Any Basic Probation refunds received in excess of \$650,000 in fiscal year 2010 and \$650,000 in fiscal year 2011 shall lapse to the General Revenue Fund. Any Community Corrections refunds received in excess of \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 shall lapse to the General Revenue Fund.
- 16. Reporting Requirements to the Legislative Budget Board (LBB).** From funds appropriated above, the Juvenile Probation Commission (JPC) shall maintain a specific accountability system for tracking basic probation and community corrections funds targeted at making a positive impact on youth. JPC shall implement a monitoring system so that the use of funds appropriated in each strategy in Goals A and B can be specifically identified.
- a. The Juvenile Probation Commission shall report juvenile probation population data as requested by the Legislative Budget Board (LBB) on a monthly basis for the most recent month available. JPC shall report to the LBB on all populations specified by the LBB, including, but not limited to, additions, releases, and end-of-month populations. End of fiscal year data shall be submitted indicating each reporting county to the LBB no later than two months after the close of each fiscal year.
  - b. The agency shall produce on an annual basis, detailed monitoring, tracking, utilization, and effectiveness information on the above mentioned funds. This information shall include information on the impact of any new initiatives. Examples include, but are not limited to residential placements, community-based services for serious and chronic felons, and community-based services for misdemeanants no longer eligible for commitment to the Youth Commission. In addition to any other requests for information, the agency shall report the above information for the previous fiscal year to the LBB and the Governor's Office by December 1st of each year.
  - c. Each report submitted to the LBB and the Governor pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to assess program effectiveness and any other supporting material specified by the LBB.
  - d. Each report submitted pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.
  - e. The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Juvenile Probation Commission if the LBB and the Governor certify to the Comptroller of Public Accounts that the Juvenile Probation Commission is not in compliance with this provision.
- 17. Special Needs Diversionary Programs.** Out of the funds appropriated above in Strategy B.1.4, Special Needs Diversionary Programs, \$1,974,034 in fiscal year 2010 and \$1,974,034 in fiscal year 2011 in General Revenue Funds shall be used for specialized mental health caseloads. The agency shall use these funds to work in coordination with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and local mental health services agencies to provide specialized supervision caseloads to youth with mental illness.
- 18. Community Corrections Funding.** From funds appropriated above in Strategy B.1.1, Community Corrections Services, the Juvenile Probation Commission shall distribute at least \$4,366,500 in fiscal year 2010 and at least \$4,366,500 in fiscal year 2011 in General Revenue Funds to local juvenile probation departments for enhanced community-based services, including, but not limited to, sex offender treatment, intensive supervision, and specialized supervision, for serious and chronic felony offenders.

## JUVENILE PROBATION COMMISSION (Continued)

From funds appropriated above in Strategy B.1.1, Community Corrections Services, the Juvenile Probation Commission shall distribute at least \$6,901,835 in fiscal year 2010 and at least \$6,901,835 in fiscal year 2011 in General Revenue Funds to local juvenile probation departments for enhanced community-based services to misdemeanor offenders no longer eligible for Youth Commission commitment.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2007. These funds shall not be used to supplant existing expenditures associated with programs, services, and residential placement of youth within the local juvenile probation departments.

19. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 are made contingent on the continuation of the Juvenile Probation Commission by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated in fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
20. **Juvenile Justice Alternative Education Program (JJAEP) Disaster Compensation.** Out of funds appropriated above in Strategy D.1.1, the Commission may compensate a mandatory JJAEP for missed mandatory student attendance days in which disaster, flood, extreme weather condition, or other calamity has a significant effect on the program's attendance.
21. **Community Corrections Diversion Program.** Out of the funds appropriated above in Strategy B.1.1, Community Corrections Services, \$26,000,000 in General Revenue Funds in fiscal year 2010 and \$24,000,000 in General Revenue Funds in fiscal year 2011, may be expended only for the purposes of providing programs for the diversion of youth from the Youth Commission (TYC) and a juvenile justice information system at the Juvenile Probation Commission (JPC). The programs may include, but are not limited to, residential, community-based, family, and aftercare programs. The allocation of State funding for the program is not to exceed the rate of \$140 per juvenile per day. JPC shall maintain procedures to ensure that the State is refunded all unexpended and unencumbered balances of State funds at the end of each fiscal year.

Out of the funds appropriated above in Strategy B.1.1, Community Corrections Services, and previously identified in this rider, not more than \$3,889,600 in fiscal year 2010 and not more than \$389,600 in fiscal year 2011 in General Revenue Funds shall be used for the development and maintenance of a juvenile justice information system. These amounts include salaries and wages for an additional 4 full-time-equivalent positions included in the agency's bill pattern in each fiscal year for the maintenance of the juvenile justice information system. This system shall be designed to share juvenile data between juvenile probation departments, JPC, and TYC.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009. These funds shall not be used to supplant existing expenditures associated with programs, services, and residential placement of youth within the local juvenile probation departments.

From funds appropriated above, JPC shall provide funding for mental health services through an interagency contract with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The juvenile probation departments participating in the diversion program shall report to JPC regarding the use of funds within thirty days after the end of each quarter. JPC shall report to the Legislative Budget Board regarding the use of the funds within thirty days after receipt of each county's quarterly report. Items to be included in the report include, but are not limited to, the amount of funds expended, the number of youth served by the program, the percent of youth successfully completing the program, the types of programming for which the funds were used, the types of services provided to youth served by the program, the average actual cost per youth participating in the program, the rates of recidivism of program participants, the number of youth who receive mental health services through TCOOMMI, the amount of funds provided to TCOOMMI for mental health services for youth, the number of youth committed to TYC, any consecutive length of time over six months a juvenile served by the diversion program resides in a secure corrections facility, and the number of juveniles transferred to criminal court under Family Code, §54.02.

If admissions to TYC during fiscal year 2010 exceed 1,783 and upon approval of the Legislative Budget Board, the Comptroller of Public Accounts shall transfer appropriations equal to \$51,100 for each commitment over 1,783 in fiscal year 2010 from JPC to TYC in fiscal year 2011.

**JUVENILE PROBATION COMMISSION**  
(Continued)

JPC shall develop a mechanism for tracking youth served by the diversion program to determine the long-term success for diverting youth from TYC and the adult criminal justice system. A report on the program's results shall be submitted to the Legislative Budget Board by December 1 of each year.

- 22. Juvenile Mental Health Facility.** From funds appropriated above, \$1,000,000 in General Revenue Funds in fiscal year 2010 shall be used for the operation of a juvenile mental health facility. Funds shall be used for "make ready" maintenance of the facility; for hiring, training, and licensing of staff; and for one month of operations at the facility. This appropriation is contingent upon the Juvenile Probation Commission providing a detailed plan for the use of the funds and the approval of the plan by the Legislative Budget Board.

**COMMISSION ON LAW ENFORCEMENT OFFICER  
STANDARDS AND EDUCATION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 101,855	\$ 101,855
<u>General Revenue Fund - Dedicated</u>		
Law Enforcement Officer Standards and Education Account No. 116	2,890,006	2,894,747
Texas Peace Officer Flag Account No. 5059	20,000	1,000
Subtotal, General Revenue Fund - Dedicated	<u>\$ 2,910,006</u>	<u>\$ 2,895,747</u>
Appropriated Receipts	<u>358,000</u>	<u>358,000</u>
<b>Total, Method of Financing</b>	<u>\$ 3,369,861</u>	<u>\$ 3,355,602</u>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	46.0	46.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 2	\$88,000	\$88,000
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSE AND APPROVE COURSES</b>		
Licensing and Course Development.		
<b>A.1.1. Strategy: LICENSING</b>	\$ 1,079,362	\$ 1,079,203
<b>A.1.2. Strategy: COURSE DEVELOPMENT</b>	\$ 464,740	\$ 465,435
Course Development and Academy Evaluations.		
<b>Total, Goal A: LICENSE AND APPROVE COURSES</b>	<u>\$ 1,544,102</u>	<u>\$ 1,544,638</u>
<b>B. Goal: REGULATION</b>		
Regulate Licensed Law Enforcement Population.		
<b>B.1.1. Strategy: ENFORCEMENT</b>	\$ 635,763	\$ 636,454
Enforce through License Revoc, Suspension, Reprimand, or Cancellation.		
<b>B.1.2. Strategy: TECHNICAL ASSISTANCE</b>	<u>\$ 839,297</u>	<u>\$ 821,672</u>
<b>Total, Goal B: REGULATION</b>	<u>\$ 1,475,060</u>	<u>\$ 1,458,126</u>
<b>C. Goal: INDIRECT ADMINISTRATION</b>		
<b>C.1.1. Strategy: INDIRECT ADMINISTRATION</b>	\$ 350,699	\$ 352,838
Course Development and Academy Evaluations.		
<b>Grand Total, COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION</b>	<u>\$ 3,369,861</u>	<u>\$ 3,355,602</u>

**COMMISSION ON LAW ENFORCEMENT OFFICER  
STANDARDS AND EDUCATION**  
(Continued)

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 2,092,386	\$ 2,092,386
Other Personnel Costs	77,001	78,500
Professional Fees and Services	209,450	209,450
Consumable Supplies	19,231	19,631
Utilities	29,000	29,800
Travel	199,378	199,378
Rent - Building	236,076	242,686
Other Operating Expense	422,738	409,171
Capital Expenditures	<u>84,601</u>	<u>74,600</u>
<b>Total, Object-of-Expense Informational Listing</b>	<b><u>\$ 3,369,861</u></b>	<b><u>\$ 3,355,602</u></b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 111,171	\$ 112,838
Group Insurance	433,018	474,893
Social Security	153,458	155,760
Benefits Replacement	<u>10,097</u>	<u>9,592</u>
Subtotal, Employee Benefits	<u>\$ 707,744</u>	<u>\$ 753,083</u>

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

<b><u>\$ 707,744</u></b>	<b><u>\$ 753,083</u></b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Commission on Law Enforcement Officer Standards and Education. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Law Enforcement Officer Standards and Education. In order to achieve the objectives and service standards established by this Act, the Commission on Law Enforcement Officer Standards and Education shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSE AND APPROVE COURSES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Criminal Misconduct Dispositions	99.9%	99.9%
<b>A.1.1. Strategy: LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	12,500	12,500
<b>A.1.2. Strategy: COURSE DEVELOPMENT</b>		
<b>Output (Volume):</b>		
Number of TCLEOSE Approved Courses Maintained	28	28
Number of On-site Training Provider Evaluations	172	172
<b>B. Goal: REGULATION</b>		
<b>B.1.1. Strategy: ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Complaints Resolved	550	525
<b>B.1.2. Strategy: TECHNICAL ASSISTANCE</b>		
<b>Output (Volume):</b>		
Number of Administrative Violations	75	75

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

**COMMISSION ON LAW ENFORCEMENT OFFICER  
STANDARDS AND EDUCATION**  
(Continued)

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Distance Learning Program	\$ 318,000	\$ 318,000
(2) Cycled Replacement/Upgrade of Computers and Servers	63,250	54,000
(3) Telephone System Upgrade	\$ 65,000	\$ 65,000
 Total, Acquisition of Information Resource Technologies	 \$ 446,250	 \$ 437,000
 Total, Capital Budget	 \$ 446,250	 \$ 437,000
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 14,355	\$ 14,355
GR Dedicated - Law Enforcement Officer Standards and Education Account No. 116	431,895	422,645
 Total, Method of Financing	 \$ 446,250	 \$ 437,000

3. **Appropriation: Proficiency Certificate Fees.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated revenues collected for the processing of proficiency certificates pursuant to Occupations Code § 1701.154 (estimated to be \$268,000 in fiscal year 2010 and \$268,000 in fiscal year 2011 from Appropriated Receipts and included in the amounts appropriated above).
  
4. **Appropriation: Reinstatement Fees.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated fees collected to establish a person's eligibility to reinstate a license that has lapsed (estimated to be \$104,000 in fiscal year 2010 and \$104,000 in fiscal year 2011 from the GR-Dedicated Account No. 116 and included in the amounts appropriated above).
  
5. **Appropriation: State Flag Fund for Deceased Texas Peace Officers.** The Commission on Law Enforcement Officer Standards and Education is hereby appropriated all contributions and earned interest collected during the 2010-11 biennium and any unexpended and unencumbered balances from the biennium ending August 31, 2009, from the Texas Peace Officer Flag Account No. 5059 as provided by Occupations Code § 1701.161 and Government Code § 615.105 (estimated to be \$20,000 in fiscal year 2010 and \$1,000 in fiscal year 2011 and included in the amounts appropriated above). These appropriations are to be deposited in the state treasury to the credit of the GR-Dedicated Texas Peace Officer Flag Account No. 5059. These appropriations shall be used to provide state flags to families of deceased Texas peace officers pursuant to Occupations Code § 1701.161 and Government Code § 615.105. None of these appropriations shall be used by the commission for administration and support costs.
  
6. **Distance Learning Program.** From funds appropriated above, the Commission on Law Enforcement Officer Standards and Education shall continue to maintain, update, and upgrade its internet training system, the Distance Learning Program.
  
7. **Limitation on Employment.** None of the funds appropriated above shall be expended by the Commission on Law Enforcement Officer Standards and Education to employ anyone who, in the course of his official duties, conducts business with individuals, firms or educational institutions with which the employee has either a direct or indirect financial interest.
  
8. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Commission on Law Enforcement Officer Standards and Education are made contingent on the continuation of the Commission on Law Enforcement Officer Standards and Education by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.



## DEPARTMENT OF PUBLIC SAFETY<sup>1</sup>

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>2</sup>	\$ 120,815,594	\$ 120,257,497
GR Dedicated - Operators and Chauffeurs License Account No. 099 <sup>3</sup>	47,048,617	6,373,271
Federal Funds	184,305,130	175,355,132
<u>Other Funds</u>		
Appropriated Receipts	21,591,066	21,591,064
Interagency Contracts	2,498,124	2,498,124
Bond Proceeds - General Obligation Bonds	147,686,135	UB
Criminal Justice Grants	439,000	439,000
State Highway Fund No. 006	449,437,228	432,669,720
Subtotal, Other Funds	<u>\$ 621,651,553</u>	<u>\$ 457,197,908</u>
<b>Total, Method of Financing</b>	<u>\$ 973,820,894</u>	<u>\$ 759,183,808</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>		
	\$ 949,943	\$ 1,001,058
<b>This bill pattern represents an estimated 99.3% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>4</sup></b>	8,513.9	8,532.9
<b>Number of FTEs in Riders:</b>	86.0	86.0
<b>Schedule of Exempt Positions:</b>		
Director, Group 6 (Department of Public Safety)	\$162,000	\$162,000
Executive Officer, Group 1 (Polygraph Examiners Board)	49,080	49,080
<b>Items of Appropriation:</b>		
<b>A. Goal: LAW ENFORCEMENT ON HIGHWAYS</b>		
<b>A.1.1. Strategy:</b> HIGHWAY PATROL	\$ 177,991,207	\$ 157,775,431
<b>A.1.2. Strategy:</b> COMMERCIAL VEHICLE ENFORCEMENT	\$ 54,713,215	\$ 54,713,215
<b>A.1.3. Strategy:</b> VEHICLE INSPECTION PROGRAM	\$ 21,443,246	\$ 21,443,246
<b>A.1.4. Strategy:</b> FORENSIC BREATH ALCOHOL LAB SERVICE	\$ 2,334,495	\$ 2,334,495
Forensic Breath Alcohol Laboratory Service.		
<b>A.1.5. Strategy:</b> CAPITOL COMPLEX SECURITY	<u>\$ 13,449,906</u>	<u>\$ 13,449,906</u>
<b>Total, Goal A:</b> LAW ENFORCEMENT ON HIGHWAYS	<u>\$ 269,932,069</u>	<u>\$ 249,716,293</u>
<b>B. Goal: DRIVER SAFETY AND RECORDS</b>		
<b>B.1.1. Strategy:</b> DRIVER LICENSE AND RECORDS	\$ 86,697,667	\$ 86,696,168
<b>B.1.2. Strategy:</b> DRIVER LICENSE REENGINEERING	\$ 4,291,344	\$ 4,291,344

<sup>1</sup> Does not include appropriations in Article IX, § 17.01, of this Act, totaling \$9,667,727 each fiscal year in All Funds for Schedule C pay raises for commissioned peace officers.

<sup>2</sup> Incorporates Article IX, § 17.93, of this Act, due to the enactment of SB 727, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of DNA records for the DNA database system, resulting in an increase in General Revenue Funds of \$2,053,286 in FY 2010 and \$1,706,224 in FY 2011.

<sup>3</sup> Incorporates Article IX, § 17.70, of this Act, due to the enactment of HB 3594, 81<sup>st</sup> Legislature, Regular Session, relating to the preservation of evidence that contains biological material, resulting in an increase of \$500,000 in FY 2010 and \$500,000 in FY 2011; Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in a decrease of \$106,040 in FY 2011; and the passage of HB 4586, 81<sup>st</sup> Legislature, Regular Session, which reduces appropriations by \$5,500,000 in FY 2010 for the Governor's Regional Center for Operations and Intelligence.

<sup>4</sup> Incorporates Article IX, § 17.70, of this Act, which increases the FTE cap by 2 each fiscal year of the biennium; Article IX, § 17.93, of this Act, which increases the FTE cap by 6 each fiscal year of the biennium; Article IX, § 17.100, of this Act, which decreases the FTE cap by 2 in FY 2011; and HB 4586, 81<sup>st</sup> Legislature, Regular Session, which increases the FTE cap by 29 each fiscal year of the biennium.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

<b>B.1.3. Strategy:</b> MOTORCYCLE OPERATOR TRAINING	\$ 955,679	\$ 939,479
<b>Total, Goal B:</b> DRIVER SAFETY AND RECORDS	<u>\$ 91,944,690</u>	<u>\$ 91,926,991</u>
<b>C. Goal:</b> PREVENT AND REDUCE CRIME		
<b>C.1.1. Strategy:</b> NARCOTICS ENFORCEMENT Narcotics Enforcement Program.	\$ 40,280,074	\$ 41,380,075
<b>C.1.2. Strategy:</b> VEHICLE THEFT ENFORCEMENT Motor Vehicle Theft Enforcement.	\$ 12,608,458	\$ 12,609,537
<b>C.1.3. Strategy:</b> CRIMINAL INTELLIGENCE SERVICE	\$ 15,948,533	\$ 15,858,428
<b>C.1.4. Strategy:</b> TEXAS RANGERS	\$ 12,322,071	\$ 12,322,670
<b>C.1.5. Strategy:</b> CRIME LABS <sup>5</sup>	\$ 26,291,574	\$ 28,728,629
<b>C.1.6. Strategy:</b> INFORMATION ANALYSIS	<u>\$ 9,048,488</u>	<u>\$ 9,048,488</u>
<b>Total, Goal C:</b> PREVENT AND REDUCE CRIME	<u>\$ 116,499,198</u>	<u>\$ 119,947,827</u>
<b>D. Goal:</b> EMERGENCY MANAGEMENT		
<b>D.1.1. Strategy:</b> EMERGENCY PREPAREDNESS Emergency Management Training and Preparedness.	\$ 104,799,152	\$ 105,004,642
<b>D.1.2. Strategy:</b> RESPONSE COORDINATION Emergency and Disaster Response Coordination.	\$ 1,348,188	\$ 1,360,172
<b>D.1.3. Strategy:</b> RECOVERY AND MITIGATION Disaster Recovery and Hazard Mitigation.	\$ 32,546,921	\$ 32,564,856
<b>D.1.4. Strategy:</b> EMERGENCY OPERATIONS CTR Emergency Operations Center.	\$ 1,591,113	\$ 1,599,693
<b>D.1.5. Strategy:</b> LOCAL BORDER SECURITY	<u>\$ 40,804,714</u>	<u>\$ 0</u>
<b>Total, Goal D:</b> EMERGENCY MANAGEMENT	<u>\$ 181,090,088</u>	<u>\$ 140,529,363</u>
<b>E. Goal:</b> REGULATORY PROGRAMS		
<b>E.1.1. Strategy:</b> CONCEALED HANDGUNS	\$ 4,971,418	\$ 4,946,623
<b>E.2.1. Strategy:</b> POLYGRAPH EXAMINERS BOARD <sup>6</sup> Administer and Enforce the Polygraph Examiners Act.	\$ 106,041	\$ 0
<b>E.3.1. Strategy:</b> PSB INVESTIGATIONS Private Security Board-Investigations.	\$ 2,981,224	\$ 2,798,418
<b>E.3.2. Strategy:</b> PSB ENFORCEMENT Private Security Board-Enforcement.	\$ 249,161	\$ 249,161
<b>E.3.3. Strategy:</b> PSB LICENSES AND REGISTRATION Private Security Board-Licenses and Registration.	\$ 639,008	\$ 621,854
<b>E.4.1. Strategy:</b> TEXASONLINE TexasOnline. Estimated and Nontransferable.	<u>\$ 631,000</u>	<u>\$ 631,000</u>
<b>Total, Goal E:</b> REGULATORY PROGRAMS	<u>\$ 9,577,852</u>	<u>\$ 9,247,056</u>
<b>F. Goal:</b> INDIRECT ADMINISTRATION AND SUPPORT		
<b>F.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 11,885,164	\$ 11,781,876
<b>F.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 55,379,745	\$ 45,553,113
<b>F.1.3. Strategy:</b> REGIONAL ADMINISTRATION	\$ 9,908,461	\$ 9,908,462
<b>F.1.4. Strategy:</b> COMMUNICATIONS SERVICE	\$ 9,684,613	\$ 9,684,613
<b>F.1.5. Strategy:</b> CRIME RECORDS	\$ 33,961,374	\$ 34,872,534
<b>F.1.6. Strategy:</b> PHYSICAL PLANT <sup>7</sup>	\$ 159,912,825	\$ 12,226,689

<sup>5</sup> Incorporates Article IX, § 17.70, of this Act, due to the enactment of HB 3594, 81<sup>st</sup> Legislature, Regular Session, relating to the preservation of evidence that contains biological material, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 of \$500,000 and 2 FTEs in FY 2010 and \$500,000 and 2 FTEs in FY 2011; and Article IX, § 17.93, of this Act, due to the enactment of SB 727, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of DNA records for the DNA database system, resulting in an increase in General Revenue Funds of \$2,053,286 and 6 FTEs in FY 2010 and \$1,706,224 and 6 FTEs in FY 2011.

<sup>6</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in a decrease in General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Texas Department of Licensing and Regulation by January 1, 2010.

<sup>7</sup> Incorporates the passage of HB 4586, 81<sup>st</sup> Legislature, Regular Session, which reduces appropriations by \$5,500,000 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 99 in FY 2010 for the Governor's Regional Center for Operations and Intelligence.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

<b>F.1.7. Strategy:</b> TRAINING ACADEMY EDUCATION COURSES	\$ 3,727,086	\$ 3,502,205
<b>F.1.8. Strategy:</b> RECRUIT SCHOOLS	\$ 2,591,296	\$ 2,591,296
<b>F.1.9. Strategy:</b> FLEET OPERATIONS	\$ 2,547,927	\$ 2,536,257
<b>F.1.10. Strategy:</b> AIRCRAFT OPERATIONS	\$ 9,613,968	\$ 9,613,968
<b>F.1.11. Strategy:</b> OTHER SUPPORT SERVICES	<u>\$ 5,564,538</u>	<u>\$ 5,545,265</u>
<b>Total, Goal F:</b> INDIRECT ADMINISTRATION AND SUPPORT	<u>\$ 304,776,997</u>	<u>\$ 147,816,278</u>
<b>Grand Total, DEPARTMENT OF PUBLIC SAFETY</b>	<u>\$ 973,820,894</u>	<u>\$ 759,183,808</u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 393,162,879	\$ 388,299,133
Other Personnel Costs	13,610,304	13,682,675
Professional Fees and Services	23,916,369	23,878,976
Fuels and Lubricants	13,129,558	12,827,439
Consumable Supplies	11,085,440	11,186,545
Utilities	9,514,931	9,515,750
Travel	5,841,445	5,785,688
Rent - Building	3,500,139	3,509,552
Rent - Machine and Other	1,369,657	1,381,643
Other Operating Expense	129,194,291	98,485,437
Grants	128,029,128	130,240,545
Capital Expenditures	<u>241,466,753</u>	<u>60,390,425</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 973,820,894</u>	<u>\$ 759,183,808</u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 22,941,881	\$ 23,618,574
Group Insurance	69,753,319	76,501,025
Social Security	30,777,075	31,465,305
Benefits Replacement	<u>2,685,171</u>	<u>2,550,913</u>
Subtotal, Employee Benefits	<u>\$ 126,157,446</u>	<u>\$ 134,135,817</u>

Debt Service

TPFA GO Bond Debt Service	\$ 15,129,118	\$ 23,764,971
Lease Payments	<u>166,413</u>	<u>132,240</u>
Subtotal, Debt Service	<u>\$ 15,295,531</u>	<u>\$ 23,897,211</u>

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

\$ 141,452,977    \$ 158,033,028

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Public Safety. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Public Safety. In order to achieve the objectives and service standards established by this Act, the Department of Public Safety shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> LAW ENFORCEMENT ON HIGHWAYS		
<b>Outcome (Results/Impact):</b>		
Annual Texas Rural Traffic Death Rate	1	1
<b>A.1.1. Strategy:</b> HIGHWAY PATROL		
<b>Output (Volume):</b>		
Traffic Law Violator Contacts	3,400,000	3,400,000
<b>A.1.2. Strategy:</b> COMMERCIAL VEHICLE ENFORCEMENT		
<b>Output (Volume):</b>		
Commercial Traffic Law Violator Contacts	1,600,000	1,600,000
<b>A.1.4. Strategy:</b> FORENSIC BREATH ALCOHOL LAB SERVICE		
<b>Output (Volume):</b>		
Number of Breath Alcohol Tests Supervised	44,000	44,000

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

<b>B. Goal: DRIVER SAFETY AND RECORDS</b>		
<b>B.1.1. Strategy: DRIVER LICENSE AND RECORDS</b>		
<b>Output (Volume):</b>		
Number of Examinations Administered	6,000,000	6,000,000
<b>C. Goal: PREVENT AND REDUCE CRIME</b>		
<b>Outcome (Results/Impact):</b>		
Annual Texas Index Crime Rate	4,600	4,600
<b>C.1.1. Strategy: NARCOTICS ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Arrests for Narcotics Violations	2,000	2,000
<b>C.1.2. Strategy: VEHICLE THEFT ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Arrests for Motor Vehicle Theft	1,700	1,700
<b>C.1.3. Strategy: CRIMINAL INTELLIGENCE SERVICE</b>		
<b>Output (Volume):</b>		
Number of Criminal Intelligence Service Arrests	1,500	1,500
<b>C.1.4. Strategy: TEXAS RANGERS</b>		
<b>Output (Volume):</b>		
Number of Arrests	2,200	2,200
<b>C.1.5. Strategy: CRIME LABS</b>		
<b>Output (Volume):</b>		
Number of Drug Cases Examined	57,000	57,000
<b>D. Goal: EMERGENCY MANAGEMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Local Governments Achieving Basic Emergency Preparedness	90%	90%
<b>D.1.2. Strategy: RESPONSE COORDINATION</b>		
<b>Output (Volume):</b>		
Number of Emergency Incidents Coordinated	5,000	5,000
<b>D.1.3. Strategy: RECOVERY AND MITIGATION</b>		
<b>Output (Volume):</b>		
Number of Counties Provided Disaster Financial Assistance	220	220
<b>E. Goal: REGULATORY PROGRAMS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Polygraph Licensees with No Recent Violations <sup>8</sup>	100%	100%
Percent of Private Security Board Documented Complaints Resolved within Six Months	99%	99%
Percent of Private Security Board Licensees with No Recent Violations	99%	99%
<b>E.1.1. Strategy: CONCEALED HANDGUNS</b>		
<b>Output (Volume):</b>		
Number of Original Handgun Licenses Issued	42,000	42,000
Number of Renewal Handgun Licenses Issued	41,000	41,000
<b>E.2.1. Strategy: POLYGRAPH EXAMINERS BOARD</b>		
<b>Output (Volume):</b>		
Number of Examination Sessions Conducted <sup>8</sup>	8	8
<b>E.3.1. Strategy: PSB INVESTIGATIONS</b>		
<b>Output (Volume):</b>		
Number of Investigations Conducted	10,000	10,000
<b>Efficiencies:</b>		
Average Time for Case Resolution	24	24
<b>E.3.2. Strategy: PSB ENFORCEMENT</b>		
<b>Efficiencies:</b>		
Average Cost Per Disciplinary Action	400	400
<b>E.3.3. Strategy: PSB LICENSES AND REGISTRATION</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	36,000	36,000
<b>Efficiencies:</b>		
Average Licensing Cost Per Individual License Issued	2	2

2. **Capital Budget.**<sup>9</sup> The capital budget authority provided below in paragraphs a, b, c, d, and e is specific to the Department of Public Safety and exclusive of the Texas Division of Emergency Management. The capital budget authority provided below in paragraphs f, g, and h is specific to the Texas Division of Emergency Management and exclusive of the remainder of the Department

<sup>8</sup> SB 1005, 81<sup>st</sup> Legislature, Regular Session, transfers the duties of the Polygraph Examiners Board to the Texas Department of Licensing and Regulation by January 1, 2010.

<sup>9</sup> Modified to include additional capital budget authority associated with contingency appropriations; to reduce capital budget authority associated with appropriation reductions in HB 4586, 81<sup>st</sup> Legislature, Regular Session; and to correct errors. Incorporates the passage of HB 2730, 81<sup>st</sup> Legislature, Regular Session, which changed the name of the Governor's Division of Emergency Management to the Texas Division of Emergency Management.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

of Public Safety. None of the funds appropriated above to the Department of Public Safety and the Texas Division of Emergency Management may be expended for capital budget items except as listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Department of Public Safety shall be limited to paragraphs a, b, c, d, and e, listed below. The transfer authority provided under Article IX, § 14.03 (c) of this Act for the Texas Division of Emergency Management shall be limited to paragraphs f, g, and h, listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to Government Code § 1232.103.

	<u>2010</u>	<u>2011</u>
a. Construction of Buildings and Facilities		
(1) New Regional Office and Crime Lab in Lubbock; New Offices in McAllen and Rio Grande City; Crime Lab Expansions; and Emergency Vehicle Operations Course	\$ 131,586,135	\$ UB
(2) Laredo Crime Lab	6,100,000	UB
(3) Crime Lab Warehouse	431,016	431,016
Total, Construction of Buildings and Facilities	<u>\$ 138,117,151</u>	<u>\$ 431,016</u>
b. Repair or Rehabilitation of Buildings and Facilities		
(1) Repair or Rehabilitation of Buildings and Facilities	12,625,000	2,625,000
c. Acquisition of Information Resource Technologies		
(1) Lease Payments (MLPP) for 1998-99 NCIC/TLETS Upgrade	1,554,483	397,445
(2) AFIS Image Archive Enhancements	1,147,500	1,147,500
(3) Computer Equipment Replacement	5,230,172	5,230,172
(4) Highway Patrol Vehicle Automation	2,178,000	3,283,500
(5) Communications Interoperability Project	2,950,000	0
(6) Enterprise Architecture and Information Technology Upgrade	12,386,680	2,144,040
(7) Other Information Resource Projects	4,222,562	3,717,775
Total, Acquisition of Information Resource Technologies	<u>\$ 29,669,397</u>	<u>\$ 15,920,432</u>
d. Transportation Items		
(1) Vehicles (Approximately 2,242)	31,187,559	21,320,711
(2) Training Motorcycles (Approximately 180)	199,875	200,003
Total, Transportation Items	<u>\$ 31,387,434</u>	<u>\$ 21,520,714</u>
e. Acquisition of Capital Equipment and Items		
(1) Radios	4,952,077	3,424,891
(2) Crime Lab Equipment - New Crime Labs	79,750	3,082,500
(3) In-Car Video Camera Replacement	2,144,942	1,222,273
(4) Statewide Trunked Radio System	7,100,000	0
(5) Laredo Crime Lab Equipment	0	350,000
(6) DNA Equipment	263,479	0
(7) Other Capital Equipment and Items	2,707,927	1,135,275
Total, Acquisition of Capital Equipment and Items	<u>\$ 17,248,175</u>	<u>\$ 9,214,939</u>
f. Emergency Management: Acquisition of Information Resource Technologies		
(1) State Operations Center Upgrade	1,985,000	0
(2) Staging Sites - IT Equipment	8,000	0

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

(3) LCD Projectors	25,000	0
(4) Special Needs Tracking System Update	374,500	0
Total, Emergency Management: Acquisition of Information Resource Technologies		
	<u>\$ 2,392,500</u>	<u>\$ 0</u>
g. Emergency Management: Transportation Items		
(1) Staging Sites - Vehicles	58,000	0
(2) Regional Liaison Officer Vehicles	25,000	50,000
Total, Emergency Management: Transportation Items		
	<u>\$ 83,000</u>	<u>\$ 50,000</u>
h. Emergency Management: Acquisition of Capital Equipment and Items		
(1) Staging Sites - Other Equipment	819,000	0
(2) Satellite Radio System	0	210,000
Total, Emergency Management: Acquisition of Capital Equipment and Items		
	<u>\$ 819,000</u>	<u>\$ 210,000</u>
Total, Capital Budget		
	<u>\$ 232,341,657</u>	<u>\$ 49,972,101</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 15,332,179	\$ 13,749,778
GR Dedicated - Operators and Chauffeurs License Account No. 099	2,028,462	431,016
Federal Funds	13,344,500	260,000
<u>Other Funds</u>		
Appropriated Receipts	902,454	902,454
Bond Proceeds - General Obligation Bonds	147,686,135	UB
State Highway Fund No. 006	53,047,927	34,628,853
Subtotal, Other Funds	<u>\$ 201,636,516</u>	<u>\$ 35,531,307</u>
Total, Method of Financing	<u>\$ 232,341,657</u>	<u>\$ 49,972,101</u>

**3. Additional Capital Budget Authority.** In addition to the provisions of Rider 2, Capital Budget, the Department of Public Safety is authorized to make the following capital purchases at the following amounts from federal funds appropriated by this Act:

	<u>2010</u>	<u>2011</u>
a. Replacement Aircraft and Helicopter	\$ 2,990,010	\$ UB
Total, Additional Capital Budget	\$ 2,990,010	\$ UB

**4. Marked Vehicles.** None of the funds appropriated hereinabove may be expended for the salaries of personnel operating motor vehicles used to stop and actually arrest offenders of highway speed laws unless such vehicles are black, white, or a combination thereof and plainly marked with the department's insignia.

**5. Aviator Reimbursement.** From the amounts appropriated above, an amount not to exceed \$10,000 each fiscal year of the biennium may be used for reimbursement of costs related to aviator assistance to state agencies, such as search and rescue or disaster-related functions. Reimbursements may include actual costs of aircraft operation including fuel, oil, maintenance, and routine costs incurred by trained and certified private volunteer aviators using privately owned aircraft in state-authorized flight operations and training exercises associated with disaster-related activities. The reimbursement shall not exceed the rate approved by the state per flying hour, when such aircraft costs are not reimbursable by other governmental agencies in accordance with Chapter 418, Government Code.

**6. Disposition of Seized Funds.** The Department of Public Safety is hereby directed to deposit all funds currently held, or obtained in the future pursuant to seizure actions or judicial forfeiture, according to rules and procedures developed by the Comptroller of Public Accounts. The

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

department shall cooperate with the Comptroller of Public Accounts in developing agreements and procedures for the deposit of seized state funds in accounts in the State Treasury.

7. **Controlled Substances.** Included in the amounts appropriated above in Strategy C.1.1, Narcotics Enforcement, is \$6.5 million in fiscal year 2010 and \$7.6 million in fiscal year 2011 from Federal Funds. All revenues in excess of these amounts collected under federal forfeiture programs are hereby appropriated to the Department of Public Safety to be used for law enforcement purposes (estimated to be \$0). Any funds unexpended at the close of each fiscal year are appropriated for the following year. Funding priority shall be given to the purchase of new equipment for field employees.
8. **Witness Fees.** From the appropriations made herein, the Department of Public Safety may pay the witness fees and travel expenses of out-of-state witnesses, subject to the advance, written approval of the District Attorney for the county having venue over the law violation under investigation.
9. **Purchase of Evidence.** From the amounts appropriated above to the Department of Public Safety, an amount not to exceed one million dollars (\$1,000,000) each fiscal year of the biennium, exclusive of amounts forfeited to the Department of Public Safety by any court of competent jurisdiction and amounts received from the United States government derived from the forfeiture of monies and property, is hereby designated for the purchase of evidence and/or information and surveillance expenses deemed necessary by the Department of Public Safety; and accountability for expenditures as set forth above shall be governed by such rules and regulations as the director of the Department of Public Safety may recommend and are subject to audit by the State Auditor. Such amounts may be maintained in cash to facilitate the purchase of evidence, information, and/or surveillance expense.
10. **Seized Assets Report.** The Department of Public Safety shall file with the Governor and the Legislative Budget Board, no later than the first Friday of October of each year, a report disclosing information on seized/forfeited assets. The report shall contain a summary of receipts, disbursements, and fund balances for the fiscal year derived from both federal and state sources and supporting detail. The detail information shall, at a minimum, include the following:
  - a. Regarding receipts: the court in which the case was adjudicated, the nature of the assets, the value of the assets, and the specific, intended use of the assets; and
  - b. Regarding disbursements: the departmental control number, the departmental category, the division making the request, the specific item and amount requested, the amount the department approved, and the actual amount expended per item.
11. **Academy Costs.** The Department of Public Safety (DPS) may charge employees and students of the DPS Academy for tuition, lodging, and meals at such prices as to recover actual costs. Such funds as received are hereby appropriated to cover the expenses entailed in providing such students and employees their lodging, meals, incidental expenses, and to pay visiting instructors.
12. **Medical and Funeral Costs.** Funds appropriated above may be expended for drugs, medical, hospital, laboratory, and funeral costs of law enforcement employees or other employees performing duties involving unusual risk when injury or death occurs in the performance of such duties. Funds appropriated above shall not be expended for drugs, medical, hospital, laboratory, or funeral costs of employees who are not actively engaged in the performance of law enforcement or other hazardous duties or for law enforcement employees when injury or death occurs in the performance of clerical or office duties as distinguished from law enforcement or other duties involving unusual risk. Funds appropriated above may also be expended for physical examinations and testing when such examinations and tests are a condition of employment or exposure to infectious diseases or hazardous materials occurs in the line of duty.
13. **Authorization of Funeral Travel Reimbursement.** The Department of Public Safety may reimburse a commissioned peace officer or communications officer in its employ the costs for lodging, transportation, and meals, in accordance with Article IX travel regulations of this Act, when such travel is for the purpose of representing the department at the funeral of a fallen peace officer. The reimbursement authorized by this provision applies to out-of-state, as well as, in-state travel. The department may provide reimbursement for only a small delegation to any single out-of-state funeral.
14. **Moving Expenses.** Notwithstanding any other provision of this Act, and with the approval of the Director, the department may use appropriated funds to pay the reasonable, necessary, and

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

resulting costs of moving the household goods and effects of a commissioned peace officer employed by the department who is transferred from one designated headquarters to another so long as the department determines that the best interests of the State will be served by such transfer.

- 15. Travel for Security Personnel.** Notwithstanding other provisions of this Act, commissioned Department of Public Safety personnel when transporting and providing security for the Governor or Governor-elect and his or her spouse and immediate family; other members of the executive, legislative, and judicial branches of state government; and visiting governors from other states when assigned, shall be reimbursed for their actual meals, lodging, and incidental expenses when on official travel in or out of the state.
- 16. Historical Museum.** The Department of Public Safety is authorized to allow the Department of Public Safety Historical Museum to utilize department property for the purpose of a historical museum. No state funds are appropriated for this purpose.
- 17. Polygraph Examinations.** None of the funds appropriated to the Department of Public Safety may be expended for polygraph testing of commissioned law enforcement officers of the Department of Public Safety, unless requested by the officer.
- 18. Supply and Inventory Cost Allocation.** The Department of Public Safety is hereby authorized to establish a supply and inventory cost pool to which appropriations may be transferred from any strategy item. These transfers shall be restricted to the purchase of supplies and inventory items. Expenditures from the cost pool shall be allocated back to the applicable strategies of the Department of Public Safety within 30 days following the close of each fiscal quarter.
- 19. Stranded Motorist Assistance.** The Department of Public Safety is designated as the lead state agency to help motorists whose vehicles are disabled on state and federal roads. The department shall use funds appropriated by this Act to obtain the cooperation of all relevant state agencies, especially the Texas Department of Transportation, and coordinate its efforts with all local law enforcement agencies and interested private businesses. As part of this initiative, the Department of Public Safety shall establish and publicize a toll free number and a universal distress signal for motorists that are in need of assistance.
- 20. Criminal History Checks to Specified Licensing Agencies.** The Department of Public Safety shall provide to the agencies listed in § 60.061, Code of Criminal Procedure, a system for checking at least annually, but not more than quarterly, or as otherwise provided by § 60.061, the existing licensees of these agencies against information in criminal history files. The Department of Public Safety may not charge or assess a fee to an agency providing information to the department that is in excess of the actual direct cost incurred by the department.
- 21. Appropriations of Receipts - Parking Violation Revenues.** All revenue received from parking violations under Government Code § 411.067 shall be deposited to the General Revenue Fund and is hereby appropriated for use by the Department of Public Safety for Capitol Police Security and parking for the 2010-11 biennium (estimated to be \$79,000 annually included in the amounts appropriated above).
- 22. Contingency Appropriation Reduction.** The funds appropriated above to the department are hereby reduced by an equal amount from the General Revenue Fund, State Highway Fund 006, or a combination of the two funds in the event the Department of Public Safety expends any funds not authorized by the General Appropriations Act, any provision within this Act which places a limitation on expenditures, or an affirmative action by the Legislature.
- 23. Appropriation Transfers.** Notwithstanding any other provision of this bill, the Department of Public Safety may not transfer funds between items of appropriation in excess of 25 percent and shall provide 45-days notification to the Governor and the Legislative Budget Board any time the department plans to transfer an amount of \$100,000 or more between items of appropriation. No later than the first Friday of October of each year, the department shall report to the Governor and the Legislative Budget Board the total number and amount of transfers during the previous fiscal year. The report shall include the amount transferred, the strategies involved, and justification for the transfer. In addition, the Department of Public Safety is hereby prohibited from transferring any and all appropriations from Strategy C.1.4, Texas Rangers, into any other strategies without consent of the Governor and the Legislative Budget Board.
- 24. Complex Crime Unit.** From monies appropriated above, the Department of Public Safety shall maintain a Complex Crime Unit to investigate offenses involving theft or misapplication of



**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

government property, the investigation of which requires a level of expertise in disciplines such as accounting, computer technology, or another that is not readily available to local law enforcement agencies.

- a. The total cost of assistance including administrative costs shall not exceed \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011.
- b. The director of the department shall employ commissioned peace officers and noncommissioned employees to perform duties required of the unit. To be eligible for employment by the Complex Crime Unit, a peace officer must have not less than four years of experience as a peace officer; and a degree from an accredited institution of higher education in law, accounting, or computer science; or two or more years of experience in the investigation of complex criminal offenses or similar law. To be eligible for employment under this section, a noncommissioned employee must meet the experience, training, and educational qualifications set by the director as requirements for investigating or assisting in the investigation of a crime.
- c. On the request of an attorney representing the state and with approval of the director, the Complex Crime Unit of the department may assist local law enforcement in the investigation of crime. On the request of the Governor and with the approval of the director, the Complex Crime Unit of the department may investigate a crime involving harm to the interests of a state agency.

- 25. Appropriation: Automobile Emission Inspections.** Included in amounts appropriated above in Strategy A.1.3, Vehicle Inspection Program, is \$7,353,749 in fiscal year 2010 (\$5,064,268 in State Highway Funds and \$2,289,481 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099) and \$7,353,749 in fiscal year 2011 (\$5,064,268 in State Highway Funds and \$2,289,481 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099) for the operation of the vehicle emissions inspection and maintenance program pursuant to § 382.202, Health and Safety Code, and Executive Order GWB96-1.

If additional counties are brought into the vehicle emissions inspection and maintenance program, 80 percent of revenues generated from the vehicle emissions and inspections fee in excess of the Comptroller's Biennial Revenue Estimate in each fiscal year 2010 and 2011 and deposited into the General Revenue Fund are hereby appropriated to the agency for the purpose of developing, administering, evaluating, and maintaining the vehicle emissions inspection and maintenance program in the additional counties.

**26. Clothing Provisions.**

- a. A commissioned officer who received a \$1,200 clothing allowance pursuant to the General Appropriations Act during the 2008-09 biennium shall receive a \$1,200 clothing allowance in the 2010-11 biennium.
- b. A commissioned officer who received a \$500 cleaning allowance pursuant to the General Appropriations Act for the 2008-09 biennium shall receive a \$500 cleaning allowance in the 2010-11 biennium irrespective of promotion to any rank.
- c. No person shall receive a \$1,200 clothing allowance unless eligible in subsection (a).
- d. An individual who is newly hired or newly commissioned after September 1, 1997, is eligible to receive a \$500 cleaning allowance.
- e. All noncommissioned personnel required to wear uniforms are entitled to a \$500 cleaning allowance.

- 27. Recruit Schools.** Recruits participating in the recruit school of the Department of Public Safety shall not be counted toward the limit on the number of full-time-equivalent positions (FTEs) for the agency until their graduation. Upon graduation, the additional officers shall not cause the department to exceed the department's limit on FTEs. The number of participants in the recruit schools shall be included in all required reports concerning FTEs and vacancies, but the recruits shall be reported as a separate total from the agency's other FTEs.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

- 28. Reporting Procedure for Land Acquisition and Construction Projects.** The Department of Public Safety shall report to the Governor, the House Appropriations Committee, the Senate Finance Committee, and the Legislative Budget Board if a department project managed by the Texas Facilities Commission and funded through appropriations by the Legislature lags six months or more behind the project's original timeline and/or exceeds the original budget by more than 25 percent. Reports should not include delays or cost overruns caused by acts of nature or other factors outside the control of the Texas Facilities Commission.
- 29. Hardship Stations.** Out of funds appropriated above, the Department of Public Safety is authorized to designate 40 hardship stations across the state based on excessive vacancies in the Texas Highway Patrol Division. The department shall provide incentives to commissioned peace officers accepting positions at these posts.
- 30. Response to Bomb or Other Terrorist Threats in the Capitol Complex.** The Department of Public Safety shall review the procedures for responding to a bomb or other terrorist threat in the Capitol Complex, determine what changes, if any, would ensure a more effective response to a threat, and adopt necessary changes.

The Department of Public Safety shall also provide written procedures and guidance for responding to a bomb or other terroristic threat to each agency director in the Capitol Complex as well as any individual in charge of risk management for such agency.

- 31. Security Services in the Capitol Complex.** The Department of Public Safety shall periodically review the security services provided by each law enforcement agency or security agency in the Capitol Complex (including the law enforcement services provided by the Internal Investigations Division of the Office of the Attorney General in the Capitol Complex) and adopt rules to coordinate these services and insure maximum effectiveness. The review and adopted rules should aim to eliminate any duplication of services.
- 32. Contingency Personnel, DNA Analyses.** Contingent on the receipt of federal funds for DNA analyses or DNA backlog elimination purposes in an amount sufficient to cover the costs related to the additional personnel authorized by this rider, the "Number of Full-Time-Equivalents (FTE)" figure indicated above is hereby increased by 12 each fiscal year. Seven of these authorized FTEs are to be assigned to the department's primary DNA facility, while the remaining five are to be assigned to field laboratories.
- 33. Authorized Trooper Strength.** From funds appropriated, the Department of Public Safety shall maintain the number of highway patrol trooper positions at no less than 1,929.
- 34. Contingency Personnel, North Texas Tollway Authority Contract.** The department is authorized 25 highway patrol service positions contingent upon continuing an interlocal cooperation contract with the North Texas Tollway Authority to police the Dallas North Tollway Systems. The "Number of Full-Time-Equivalents (FTE)" figure indicated above is hereby increased by eight each fiscal year. The eight FTEs authorized by this rider may not be added until the department reaches the number of troopers patrolling Texas highways in accordance with the goals as outlined in Rider Number 33, Authorized Trooper Strength.

The contract shall include salaries, retirement, group insurance, auto operation costs, operational expenses, and amortization of equipment, including, but not limited to, vehicles. The expenses to be covered must also include expenses related to radio communications, office space and furniture, printing, postage, personnel moving expenses, telephone services, patrol car equipment, and secretarial and clerical services. Upon termination of the contract, the department must notify the Governor, Legislative Budget Board, and the State Auditor's Office of the termination and phase out the additional FTEs.

- 35. Unsolved Crimes Investigation Team.** Included in the amounts appropriated above in Strategy C.1.4, Texas Rangers, is \$775,199 in fiscal year 2010 and \$775,199 in fiscal year 2011 for the purpose of providing assistance to Texas law enforcement agencies with the investigation of unsolved murders and serial or linked criminal transactions. Also included above are 13 full-time-equivalent positions (FTEs) that are provided specifically for the staffing of the unsolved crimes investigation team with the intent that at least nine of the FTEs are commissioned personnel.
- 36. Interagency Contract for Legal Services.** Out of funds appropriated above, \$1.3 million for the 2010-11 biennium is for an interagency contract with the Office of the Attorney General for legal services provided by the Office of the Attorney General to the Department of Public Safety. Any interagency contract funded by appropriated funds may not exceed reasonable attorney fees for

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

similar legal services in the private sector, shall not jeopardize the ability of the Department of Public Safety to carry out its legislative mandates, and shall not affect the budget for the Department of Public Safety such that employees must be terminated in order to pay the amount of the interagency contract.

**37. Polygraph Examiner Fee Rates.**<sup>10</sup> The Polygraph Examiners Board shall establish reasonable fees pursuant to Government Code § 316.043, to be effective during the biennium beginning on the effective date of this Act, not to exceed:

a.	Polygraph Examiners License	\$	500.00
b.	Internship License Application Fee		300.00
c.	Duplicate License		100.00
d.	Renewal Fee for Examiners License		500.00
e.	Extension or Renewal of an Internship License		150.00
f.	Examination Fee		200.00
g.	Late Fee		200.00

**38. Appropriations Limited to Revenue Collections.** Fees and other miscellaneous revenues as authorized and generated by the Private Security Board shall cover, at a minimum, the cost of the appropriations made above in Strategies E.3.1, E.3.2, and E.3.3, as well as the "other direct and indirect costs" indicated above (the amounts are solely related to the Private Security Board). In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above in Strategies E.3.1, E.3.2, and E.3.3. to be within the amount of revenue expected to be available.

**39. Selective Traffic Enforcement Program.** Funds appropriated above to Strategy A.1.1, Highway Patrol, include \$10,000,000 in fiscal year 2010 and \$10,000,000 in fiscal year 2011 from the State Highway Fund No. 006 and shall be used for the Selective Traffic Enforcement Program at the Department of Public Safety.

**40. Appropriations Limited to Revenue Collections: Driver Responsibility Program.** Included in the amounts appropriated above in Strategy B.1.1, Driver License and Records, pursuant to § 780.002, Health and Safety Code, and estimated to be \$1,690,000 in fiscal year 2010 and \$1,690,000 in fiscal year 2011 from the General Revenue Fund, is one percent of the surcharges collected by the driver responsibility program. These funds are appropriated above for the administration of the driver responsibility program.

Also included in the amounts appropriated above in Strategy B.1.1, Driver License and Records, pursuant to § 708.155, Transportation Code, are amounts collected in excess of surcharge amounts of the driver responsibility program as vendor base compensation and related costs for the collection of the surcharges. These amounts are estimated to be \$11,434,337 in fiscal year 2010 and \$11,432,837 in fiscal year 2011 from the General Revenue Fund. All funds collected for vendor base compensation and related costs shall be processed in accordance with procedures established by the Comptroller of Public Accounts. The amount of vendor compensation shall not exceed rates specified in statute.

**41. Staffing Patterns - Private Security Board.** From funds appropriated above, the Private Security Board shall achieve greater compliance with the Private Security Act by strategically locating its investigators across the state to maximize the use of Department of Public Safety regional offices, minimize travel related costs, and support/represent a significant number of companies and persons regulated in the region. None of the funds appropriated above shall be expended to maintain or support offices that are located in the homes of any employees.

**42. Private Security Board Vehicles.** From funds appropriated above, the Department of Public Safety shall maintain a minimum fleet of five vehicles for the Private Security Board. The vehicles are to be maintained in accordance with the State Vehicle Fleet Management Plan. The vehicles are for the sole use of the Private Security Board and are intended for use by investigators and are prohibited for use for commuting to and from work.

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<sup>10</sup> SB 1005, 81<sup>st</sup> Legislature, Regular Session, transfers the duties of the Polygraph Examiners Board to the Texas Department of Licensing and Regulation by January 1, 2010.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

- 43. Appropriation Transfers Between Fiscal Years - Gasoline Contingency.** In addition to the transfer authority provided elsewhere in this Act, the Department of Public Safety (DPS) may transfer appropriations from the State Highway Fund No. 006 for fiscal year 2011 to fiscal year 2010, subject to the following conditions provided by this section:
- a. Transfers under this section may be requested only if the average price per gallon of gasoline paid by the agency during the first six months of fiscal year 2010 exceeds \$3.00 per gallon.
  - b. A request to transfer appropriations for fiscal year 2011 to fiscal year 2010 shall be submitted in writing to the Governor and the Legislative Budget Board. The request shall include a justification for the amount of funds to be transferred based on an estimate of the total gallons of gasoline consumed by the agency in a year and the average price per gallon paid over \$3.00 per gallon during the first six months of fiscal year 2010.
  - c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board.
  - d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.
- 44. Estimates of Future Federal Funds.** The Department of Public Safety (DPS) shall include estimates of future federal funding and 100 percent federally funded full-time-equivalents in the agency's Legislative Appropriations Request (LAR) based on historical amounts for all non-disaster related federal funds unless there is a specific indication that a federally funded project will be added, eliminated, or changed significantly. As part of the agency submission of the LAR, DPS shall notify the Governor and the Legislative Budget Board in writing of any such indication of federal funding changes including the Catalog of Federal Domestic Assistance number, the anticipated amount of the change, and the cause of the change.
- 45. Appropriation: Unexpended Balances of Construction Bonds.** Any unexpended balances as of August 31, 2009, for the Department of Public Safety (DPS) in the general obligation bond appropriations made by the Eightieth Legislature for construction appropriations are hereby appropriated to DPS for the biennium beginning September 1, 2009. Unexpended balances appropriated for the 2010-11 biennium may be used only for previously approved construction of additional facilities and shall not be used for new construction of additional facilities (fiscal year 2009 unexpended balance estimated to be \$131,586,135 and included in the amounts appropriated above).
- 46. Physical Fitness Standards.** Out of funds appropriated above, the Department of Public Safety shall develop criteria that include physical fitness and appearance standards that must be met prior to any commissioned peace officer receiving a pay increase or promotion as authorized by Article IX, Section 2.01, Schedule C Classification Salary Schedule of this Act.
- 47. Estimates of Future Appropriated Receipts.** The Department of Public Safety (DPS) shall include estimates of future appropriated receipts in the agency's Legislative Appropriations Request (LAR) based on historical amounts unless there is a specific indication that the amount of appropriated receipts will change significantly.
- 48. Estimates of Future Criminal Justice Grants.** The Department of Public Safety (DPS) shall include estimates of future criminal justice grants in the agency's Legislative Appropriations Request (LAR) based on historical amounts unless there is a specific indication that the amount of criminal justice grants will change significantly.
- 49. Border Security.** From funds appropriated above, the Department of Public Safety shall use \$13,691,474 in fiscal year 2010 and \$9,671,199 in fiscal year 2011 from State Highway Fund 6 for enhanced border security operations including:
- a. Highway Patrol: \$6,014,367 in fiscal year 2010 and \$3,835,802 in fiscal year 2011 for salaries, training, operating costs, and equipment for 61 staff including 56 commissioned officers.
  - b. Narcotics Enforcement: \$1,301,354 in fiscal year 2010 and \$974,697 in fiscal year 2011 for salaries, training, operating costs, and equipment for 15 staff including nine commissioned officers.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

- c. Vehicle Theft Enforcement: \$1,063,258 in fiscal year 2010 and \$726,392 in fiscal year 2011 for salaries, training, operating costs, and equipment for ten staff including nine commissioned officers.
  - d. Criminal Intelligence Service: \$1,110,173 in fiscal year 2010 and \$727,992 in fiscal year 2011 for salaries, training, operating costs, and equipment for ten staff including nine commissioned officers.
  - e. Texas Rangers: \$579,342 in fiscal year 2010 and \$375,888 in fiscal year 2011 for salaries, training, operating costs, and equipment for five commissioned officers.
  - f. Aircraft Operations: \$3,622,980 in fiscal year 2010 and \$3,030,428 in fiscal year 2011 for salaries, training, operating costs, and equipment for 19 staff including 18 commissioned officers.
- 50. Databases and Clearinghouses Related to Missing Persons and Children.** From funds appropriated above in Strategy C.1.6, Information Analysis, the Department of Public Safety (DPS) shall use \$1,250,000 in fiscal year 2010 and \$1,250,000 in fiscal year 2011 from General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, for the administration and support of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database and the Missing Children and Missing Persons Information Clearinghouse established under the Code of Criminal Procedure, Chapter 63. The "Number of Full-Time-Equivalents" indicated above includes 5 FTEs in both fiscal years for the administration and support of the programs. DPS shall use \$825,000 per year to make interagency contract payments to the University of North Texas Health Science Center at Fort Worth to administer the Missing Persons DNA Database. DPS shall use \$425,000 per year to pay department expenses associated with the Missing Persons DNA Database and the administration of the Missing Children and Missing Persons Information Clearinghouse.
- 51. Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Department of Public Safety, the Private Security Board, and the Polygraph Examiners Board are made contingent on the continuation of the Department of Public Safety, the Private Security Board, and the Polygraph Examiners Board by the Eighty-first Legislature. In the event that one of the agencies is not continued, the funds appropriated for that agency for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
- 52. Local Border Security.**<sup>11</sup> From funds appropriated above, the Texas Division of Emergency Management in Strategy D.1.5, Local Border Security, within the Department of Public Safety's bill pattern, is appropriated \$40,804,714 in fiscal years 2010-11 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, for the following border security expenditures:
- (a) \$7,000,000 to the Department of Public Safety to fund DPS troopers along the border; in addition to the amount of full-time-equivalent positions listed elsewhere in this Act the number of full-time-equivalent positions for the Department of Public Safety is increased by 56;
  - (b) \$1,853,676 to the Department of Public Safety to fund Texas Ranger positions; in addition to the amount of full-time-equivalent positions listed elsewhere in this Act the number of full-time-equivalent positions for the Department of Public Safety is increased by 10;
  - (c) \$21,951,038 for overtime and operational costs for increased patrol and investigative capacity for certified peace officers (DPS and local) following the DPS overtime policy; and operational costs, per diem, and travel expenses for Texas Military Forces.
  - (d) \$9,000,000 shall be used for the operations of the Border Operations Center and the Joint Operations and Intelligence Centers; and
  - (e) \$1,000,000 shall be used for the operations of the Rio Grande Valley Border Security and Technology Training Center.

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<sup>11</sup> Incorporates the passage of HB 2730, 81<sup>st</sup> Legislature, Regular Session, which changed the name of the Governor's Division of Emergency Management to the Texas Division of Emergency Management.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

Out of funds appropriated, on or before December 15th of each year, the Department of Public Safety and the Texas Division of Emergency Management shall submit a report to the Legislative Budget Board and the Governor's Office on the expenditure of funds provided to local law enforcement agencies.

Prior to the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall be notified. As soon as possible after the execution of a significant border security or homeland security operation, the Director of the Department of Public Safety, the Director of the Division of Emergency Management, and the Director of Homeland Security shall receive written notification on the operational plans.

Any unexpended balances from appropriations listed above that are remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

- 53. License Plate Reader Project.** The Texas Department of Public Safety may not spend funds appropriated by this Act for a license plate reader project or to purchase and deploy a license plate reader unless:
- a. the department establishes a policy and procedures requiring the immediate and systematic destruction of all license plate information collected through the project that is not linked in the database system to a stolen motor vehicle; and
  - b. the unlinked license plate information is being systematically purged from the database system.
- 54. Additional Border Security Funds.**<sup>12</sup> From funds appropriated above, \$11,600,000 in fiscal year 2010 and \$800,000 in fiscal year 2011 is appropriated for the following border security expenditures:
- (a) \$5,500,000 in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 in fiscal year 2010 may only be used to contract with the City of Laredo for construction of the Governor's Regional Center for Operations and Intelligence. From funds appropriated, the Department of Public Safety shall assign three full-time-equivalent positions from the Laredo District to staff the Governor's Regional Center for Operations and Intelligence.
  - (b) \$6,100,000 in General Obligation Bond Proceeds in fiscal year 2010 and \$800,000 in State Highway Fund 6 in fiscal year 2011 may only be expended to construct, equip, and operate a Department of Public Safety Crime Lab in Laredo. The Department is also authorized one additional technical DNA leader, two additional DNA Forensic Scientists, two Firearm Forensic Scientists, and one Evidence Technician. The "Number of Full-Time-Equivalent Positions (FTE)" figure indicated above includes six additional FTEs in fiscal year 2011 for this purpose. If Texas A&M International University provides the necessary land for the crime lab, then the Crime Lab in Laredo shall be built on the donated land.
- 55. Texas Task Force II.** From funds appropriated above in Strategy D.1.2, Response Coordination, \$700,000 in fiscal year 2010 and \$700,000 in fiscal year 2011 in General Revenue - Dedicated Operators and Chauffeurs License Account No. 099, may only be expended to upgrade Texas Task Force II in Dallas to a Type I Urban Search and Rescue Team.
- 56. Additional Capital Budget - Helicopter.**<sup>13</sup> In addition to the provisions of Rider 3, Additional Capital Budget Authority, the Department of Public Safety is authorized to make the capital purchase of one additional helicopter in the amount of \$4,284,032 to be stationed in Longview utilizing seized asset funds. From funds appropriated above in Strategy F.1.10, Aircraft Operations, \$300,000 in fiscal year 2010 and \$300,000 in fiscal year 2011 in General Revenue Dedicated Fund No. 99 shall be used for the operations of the helicopter. From funds appropriated, the Department of Public Safety shall provide three full-time-equivalent positions to support the additional helicopter.

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<sup>12</sup> HB 4586, § 91, 81<sup>st</sup> Legislature, Regular Session, directs that Subsection (a) of Rider 54 has no effect.

<sup>13</sup> Modified to correct reference error.

**DEPARTMENT OF PUBLIC SAFETY**  
(Continued)

**57. Appropriation Authority for General Obligation Bond Proceeds.**<sup>14</sup> Appropriated above in Strategy F.1.6, Physical Plant, in fiscal year 2010 is \$16,100,000 in general obligation bond proceeds for projects for the Department of Public Safety as described in Article IX, Sec. 17.11, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

**58. State Disaster Resource Support and Staging Sites.**<sup>15</sup> From funds appropriated above in Goal D, Emergency Management, the Texas Division of Emergency Management is authorized to spend no more than \$3,687,250 during the 2010-11 biennium for the creation and operation of no more than two state disaster resource support and staging sites. Funds used under this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this Act.

**59. Texas Data Exchange.** It is the intent of the Legislature that \$12,447,104 in State Highway Fund 6 appropriated to the Department of Public Safety in Strategy F.1.5, Crime Records, for the Texas Data Exchange (TDEx) in the 2010-11 biennium shall be used to fund support fees, deployment of TDEx adapters, and ongoing operation expenses, including the renewal of the TDEx enterprise license. It is further the intent of the Legislature that, to the extent allowed by federal law and the availability of funds, the Office of the Governor shall give priority to providing \$12,200,000 in one-time funding from federal and other grants and any other sources available to the Office of the Governor for the same purposes over the 2010-11 biennium.

<sup>14</sup> Modified to correct reference error.

<sup>15</sup> Incorporates the passage of HB 2730, 81<sup>st</sup> Legislature, Regular Session, which changed the name of the Governor's Division of Emergency Management to the Texas Division of Emergency Management.

**YOUTH COMMISSION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 209,606,186	\$ 205,531,087
Federal Funds	10,599,450	10,063,955
<u>Other Funds</u>		
Appropriated Receipts	404,024	390,637
Interagency Contracts	1,172,250	1,172,250
Bond Proceeds - General Obligation Bonds	5,556,651	0
Interagency Contracts - Transfer from Foundation School Fund No. 193	5,852,939	5,534,593
Subtotal, Other Funds	\$ 12,985,864	\$ 7,097,480
<b>Total, Method of Financing</b>	<b>\$ 233,191,500</b>	<b>\$ 222,692,522</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	3,933.9	3,704.9
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 6	\$160,000	\$160,000

**YOUTH COMMISSION**  
(Continued)

**Items of Appropriation:**

**A. Goal: SECURE CORRECTIONAL ENVIRONMENT**

Provide a Safe and Secure Correctional Environment for Youth.

<b>A.1.1. Strategy: ASSESSMENT AND ORIENTATION</b>	\$ 4,128,383	\$ 4,360,635
Assess & Orient Youth for Appropriate Treatment and Placement.		
<b>A.1.2. Strategy: INSTITUTIONAL SERVICES</b>	\$ 112,499,858	\$ 106,595,000
Provide TYC-operated Secure Correctional Programs.		
<b>A.1.3. Strategy: CONTRACTED CAPACITY</b>	\$ 9,255,991	\$ 10,950,912
Provide Additional Secure and Nonsecure Residential Capacity.		
<b>A.1.4. Strategy: HALFWAY HOUSE SERVICES</b>	\$ 9,565,967	\$ 9,806,112
Provide TYC-operated Nonsecure Correctional Programs.		
<b>A.1.5. Strategy: HEALTH CARE SERVICES</b>	\$ 17,369,121	\$ 15,860,644
Provide a System of Health Care.		
<b>A.1.6. Strategy: MENTAL HEALTH SERVICES</b>	\$ 1,947,154	\$ 1,851,785
<b>A.1.7. Strategy: HEALTH CARE OVERSIGHT</b>	\$ 1,816,119	\$ 1,816,119
<b>A.1.8. Strategy: OFFICE OF INSPECTOR GENERAL</b>	\$ 2,208,796	\$ 2,208,797
<b>A.1.9. Strategy: OFFICE OF INDEPENDENT OMBUDSMAN</b>	\$ 300,000	\$ 300,000
<b>A.1.10. Strategy: CONSTRUCT AND RENOVATE FACILITIES</b>	<u>\$ 5,556,651</u>	<u>\$ 0</u>
Construct & Renovate TYC Facilities for Sufficient Capacity.		
<b>Total, Goal A: SECURE CORRECTIONAL ENVIRONMENT</b>	<u>\$ 164,648,040</u>	<u>\$ 153,750,004</u>

**B. Goal: EDUCATION AND WORKFORCE**

Enable TYC Youth to Become Productive and Responsible Citizens.

<b>B.1.1. Strategy: EDUCATION AND WORKFORCE PROGRAMS<sup>1</sup></b>	\$ 26,119,471	\$ 25,803,330
Provide Academic, GED, and Workforce Preparation Programs.		

**C. Goal: REHABILITATION AND REINTEGRATION**

Reduce Delinquent and Criminal Behavior of Youth Released from TYC.

<b>C.1.1. Strategy: CORRECTIONAL TREATMENT</b>	\$ 14,412,955	\$ 13,811,741
Provide Correctional Treatment Programs.		
<b>C.1.2. Strategy: SPECIALIZED CORRECTIONAL TREATMENT</b>	\$ 5,542,458	\$ 6,447,584
Trtmnt for Capital/Sex Crimes, Drug Abuse, Emotional & Mental Problems.		
<b>C.1.3. Strategy: PAROLE SERVICES</b>	\$ 9,056,082	\$ 9,429,062
Provide a System of Parole Services.		
<b>C.1.4. Strategy: INTERSTATE AGREEMENT</b>	<u>\$ 300,995</u>	<u>\$ 300,995</u>
Interstate Agreement on Supvsn of Runaways, Probationers, and Parolees.		
<b>Total, Goal C: REHABILITATION AND REINTEGRATION</b>	<u>\$ 29,312,490</u>	<u>\$ 29,989,382</u>

**D. Goal: INDIRECT ADMINISTRATION**

<b>D.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 6,998,907	\$ 6,998,906
<b>D.1.2. Strategy: INFORMATION RESOURCES</b>	\$ 4,363,498	\$ 4,403,607
<b>D.1.3. Strategy: OTHER SUPPORT SERVICES</b>	<u>\$ 1,749,094</u>	<u>\$ 1,747,293</u>
<b>Total, Goal D: INDIRECT ADMINISTRATION</b>	<u>\$ 13,111,499</u>	<u>\$ 13,149,806</u>

**Grand Total, YOUTH COMMISSION** \$ 233,191,500 \$ 222,692,522

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 148,682,651	\$ 145,961,576
Other Personnel Costs	5,422,879	4,678,650

<sup>1</sup> The passage of HB 4586, 81<sup>st</sup> Legislature, Regular Session, appropriates \$375,000 in General Revenue Funds in each fiscal year to the Texas Education Agency (TEA) contingent on the enactment of SB 1362 or similar legislation (SB 1362, 81<sup>st</sup> Legislature, Regular Session, did not pass. See HB 3689, 81<sup>st</sup> Legislature, Regular Session, which did pass). HB 4586 directs TEA to transfer these funds to the Youth Commission (TYC) upon TYC's development of a comprehensive plan to improve student reading skills and behavior.



**YOUTH COMMISSION**  
(Continued)

Professional Fees and Services	21,932,570	20,504,163
Fuels and Lubricants	736,898	670,246
Consumable Supplies	1,892,645	1,762,458
Utilities	6,389,140	5,624,365
Travel	2,139,171	2,106,639
Rent - Building	1,835,068	1,873,198
Rent - Machine and Other	588,873	550,977
Other Operating Expense	29,923,939	31,555,040
Client Services	3,056,807	2,982,739
Food for Persons - Wards of State	1,866,560	1,769,562
Capital Expenditures	<u>8,724,299</u>	<u>2,652,909</u>

**Total, Object-of-Expense Informational Listing** \$ 233,191,500    \$ 222,692,522

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 8,096,413	\$ 8,235,600
Group Insurance	24,694,382	26,669,126
Social Security	10,928,605	11,113,575
Benefits Replacement	<u>584,362</u>	<u>555,144</u>

Subtotal, Employee Benefits \$ 44,303,762    \$ 46,573,445

Debt Service

TPFA GO Bond Debt Service	\$ 17,486,081	\$ 17,227,569
Lease Payments	<u>957,350</u>	<u>928,597</u>

Subtotal, Debt Service \$ 18,443,431    \$ 18,156,166

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 62,747,193    \$ 64,729,611

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Youth Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Youth Commission. In order to achieve the objectives and service standards established by this Act, the Youth Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: SECURE CORRECTIONAL ENVIRONMENT</b>		
<b>Outcome (Results/Impact):</b>		
Turnover Rate of Juvenile Correctional Officers	35%	35%
<b>A.1.1. Strategy: ASSESSMENT AND ORIENTATION</b>		
<b>Output (Volume):</b>		
Average Daily Population: Assessment and Orientation	296	296
<b>A.1.2. Strategy: INSTITUTIONAL SERVICES</b>		
<b>Output (Volume):</b>		
Average Daily Population: Institutional Programs	1,996	1,900
<b>Efficiencies:</b>		
Capacity Cost in Institutional Programs Per Youth Day	154.42	153.71
<b>A.1.3. Strategy: CONTRACTED CAPACITY</b>		
<b>Output (Volume):</b>		
Average Daily Population: Contract Programs	200	200
<b>Efficiencies:</b>		
Capacity Cost in Contract Programs Per Youth Day	126.79	150.01
<b>A.1.4. Strategy: HALFWAY HOUSE SERVICES</b>		
<b>Output (Volume):</b>		
Average Daily Population: Halfway House Programs	218	218
<b>Efficiencies:</b>		
Capacity Cost in Halfway Houses Per Youth Day	120.22	123.24
<b>A.1.5. Strategy: HEALTH CARE SERVICES</b>		
<b>Efficiencies:</b>		
Cost of Health Care Services Per Youth Day	19.71	18.75
<b>A.1.6. Strategy: MENTAL HEALTH SERVICES</b>		
<b>Efficiencies:</b>		
Cost of Mental Health Services Per Youth Day	2.21	2.19

**YOUTH COMMISSION**  
(Continued)

**B. Goal: EDUCATION AND WORKFORCE**

**Outcome (Results/Impact):**

Diploma or GED Rate (TYC-operated Schools)	49%	49%
Percent Reading at Grade Level at Release	21%	21%

**B.1.1. Strategy: EDUCATION AND WORKFORCE PROGRAMS**

**Output (Volume):**

Average Daily Attendance in TYC-operated Schools	1,896	1,805
Percent of Math Level Gain	71%	71%
Percent of Reading Level Gain	72%	72%

**C. Goal: REHABILITATION AND REINTEGRATION**

**Outcome (Results/Impact):**

One-year Rearrest Rate	54%	54%
One-year Rearrest Rate for Violent Offenses	8.6%	8.6%
One-year Reincarceration Rate: Total	19%	19%
Three-year Reincarceration Rate: Total	43%	43%

**C.1.1. Strategy: CORRECTIONAL TREATMENT**

**Output (Volume):**

Average Daily Population: Correctional Treatment	2,073	1,977
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**Efficiencies:**

Correctional Treatment Cost Per Youth Day	19.05	19.14
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**C.1.2. Strategy: SPECIALIZED CORRECTIONAL TREATMENT**

**Output (Volume):**

Average Daily Population: Specialized Correctional Treatment	874	960
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**Efficiencies:**

Specialized Correctional Treatment Cost Per Youth Day	17.37	18.4
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**C.1.3. Strategy: PAROLE SERVICES**

**Output (Volume):**

Average Daily Population: Parole	1,443	1,346
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**Efficiencies:**

Parole Cost Per Youth Day	17.19	19.19
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- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

	<u>2010</u>	<u>2011</u>
a. Repair or Rehabilitation of Buildings and Facilities		
(1) Repair and Rehabilitation of Existing TYC Facilities	\$ 5,556,651	\$ 0
b. Acquisition of Information Resource Technologies		
(1) Computer Workstation and Infrastructure Equipment Replacement - Business	270,590	381,422
(2) Computer Workstation and Infrastructure Equipment Replacement - Education	838,000	838,000
(3) Data Center Consolidation	2,092,296	1,981,464
(4) Automated Risk Assessment and Data Sharing Systems	<u>\$ 1,173,000</u>	<u>\$ 827,000</u>
Total, Acquisition of Information Resource Technologies	<u>\$ 4,373,886</u>	<u>\$ 4,027,886</u>
c. Transportation Items		
(1) Vehicle Replacement (104 Cargo/Passenger Vehicles)	\$ 1,116,391	\$ 1,116,391
Total, Capital Budget	<u><u>\$ 11,046,928</u></u>	<u><u>\$ 5,144,277</u></u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 4,652,277	\$ 4,306,277
Federal Funds	838,000	838,000

**YOUTH COMMISSION**  
(Continued)

Bond Proceeds - General Obligation Bonds	5,556,651	0
Total, Method of Financing	<u>\$ 11,046,928</u>	<u>\$ 5,144,277</u>

- 3. Appropriation of Other Agency Funds.** Any unexpended balances remaining in Independent School District Funds (not to exceed \$155,000 and included in the amounts above), the Student Benefit Fund (not to exceed \$140,000 and included in the amounts above), the Canteen Revolving Funds (not to exceed \$7,500 and included in the amounts above), any gifts, grants, and donations as of August 31, 2009, and August 31, 2010 (estimated to be \$0), and any revenues accruing to those funds are appropriated to those funds for the succeeding fiscal years. Funds collected by vocational training shops at Youth Commission institutions, including unexpended balances as of August 31, 2009 (not to exceed \$21,000 and included in the amounts above), are hereby appropriated for the purpose of purchasing and maintaining parts, tools, and other supplies necessary for the operation of those shops.
- 4. Revolving Funds.** The Youth Commission may establish out of any funds appropriated herein a revolving fund not to exceed \$10,000 in the Central Office, and \$10,000 in each institution, field office, or facility under its direction. Payments from these revolving funds may be made as directed by the commission. Reimbursement to such revolving funds shall be made out of appropriations provided for in this Article.
- 5. Student Employment.** Subject to the approval of the Youth Commission, students residing in any Youth Commission facility may be assigned necessary duties in the operations of the facility and be paid on a limited basis out of any funds available to the respective institutions or facility not to exceed \$50,000 a year for each institution and \$10,000 a year for any other facility.
- 6. Support Payment Collections.** The Youth Commission shall annually report to the Governor and to the Legislative Budget Board the number of active accounts, including the amounts owed to the state pursuant to the Texas Family Code, § 54.06 (a) court orders, and the total amount of funds collected.
- 7. Federal Foster Care Claims.** Within the appropriations made above, the Texas Department of Family and Protective Services, the Youth Commission, and the Juvenile Probation Commission shall document possible foster care claims for children in juvenile justice programs and maintain an interagency agreement to implement strategies and responsibilities necessary to claim additional federal foster care funding; and consult with juvenile officials from other states and national experts in designing better foster care funding initiatives.
- 8. Employee Medical Care.** Appropriations made in this Act for the Youth Commission not otherwise restricted in use may also be expended to provide medical attention by medical staff and infirmaries at Youth Commission facilities, or to pay necessary medical expenses, including the cost of broken eyeglasses and other health aids, for employees injured while performing the duties of any hazardous position which is not reimbursed by workers' compensation and/or employees' state insurance. For the purpose of this section, "hazardous position" shall mean one for which the regular and normal duties inherently involve the risk or peril of bodily injury or harm. Appropriations made in this Act not otherwise restricted in use may also be expended for medical tests and procedures on employees that are required by federal or state law or regulations when the tests or procedures are required as a result of the employee's job assignment or when considered necessary due to potential or existing litigation.
- 9. Fire Prevention and Safety.** In instances in which regular employees of facilities operated by the Youth Commission are assigned extra duties on fire prevention teams or on special tactics and response teams, supplementary payments, not to exceed \$125 per month for team leaders and \$100 per month for team members, are authorized in addition to the salary rates stipulated by the provisions of Article IX of this Act relating to the position classifications and assigned salary ranges.
- 10. Charges to Employees and Guests.**

  - a. Collections for services rendered Youth Commission employees and guests shall be made by a deduction from the recipient's salary or by cash payment in advance. Such deductions and other receipts for these services from employees and guests are hereby appropriated to the facility. Refunds of excess collections shall be made from the appropriation to which the collection was deposited.

**YOUTH COMMISSION**  
(Continued)

- b. As compensation for services rendered and notwithstanding any other provision in this Act, any facility under the jurisdiction of the Youth Commission may provide free meals for food service personnel and volunteer workers and may furnish housing facilities, meals, and laundry service in exchange for services rendered by interns, chaplains in training, and student nurses.
- 11. Specialized Treatment Report.** The Youth Commission shall, in its annual report, provide an assessment of the effectiveness of specialized treatment, emphasizing re-arrest rates of offenders receiving treatment.
- 12. Salaries, Education Professionals.**
- a. Each principal, supervisor, and classroom teacher employed in an institution operated by the Youth Commission shall receive a monthly salary to be computed as follows: The applicable monthly salary rate specified in § 21.402, Texas Education Code, as amended, shall be multiplied by ten to arrive at a ten month salary rate. Such rate shall be divided by the number of days required in § 21.401, Texas Education Code, for 10-month employees, and the resulting daily rate shall be multiplied by the number of on-duty days required of Youth Commission educators, resulting in the adjusted annual salary. The adjusted annual salary is to be divided by 12 to arrive at the monthly rate. Salary rates for educational aides commencing employment before September 1, 1999, shall be calculated in the same manner, using 60 percent of the salary rate specified in § 21.402, Texas Education Code.
- b. The Youth Commission may authorize salary rates at amounts above the adjusted annual salary determined in the preceding formula, but such rates, including longevity for persons commencing employment on September 1, 1983, or thereafter, and excluding hazardous duty pay, shall never exceed the rates of pay for like positions paid in the public schools of the city in which the Youth Commission institution is located. Any authorized local increments will be in addition to adjusted annual salaries.
- c. There is hereby appropriated to the Youth Commission from any unexpended balances on hand as of August 31, 2010, funds necessary to meet the requirements of this section in fiscal year 2011 in the event adjustments are made in the salary rates specified in the Texas Education Code or in salary rates paid by the public schools where Youth Commission facilities are located.
- 13. State-owned Housing Authorized.** As of September 1, 1998, the chief superintendent, assistant superintendent, and the director of security are authorized to live in state-owned housing at a rate determined by the commission. Notwithstanding general provisions of this Act, commission employees first employed at the West Texas State School on or after September 1, 1999, are authorized to live in state-owned housing at the same rate as persons employed prior to September 1, 1999. Employees at West Texas State School are only authorized to live in state-owned housing until August 31, 2010. Other commission employees may live in state-owned housing as set forth in Article IX, § 11.05, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing.
- 14. Appropriation Transfers Between Fiscal Years.** In addition to the transfer authority provided elsewhere in this Act, the Youth Commission may transfer appropriations in an amount not to exceed \$20,000,000 made for fiscal year 2011 to fiscal year 2010 subject to the following conditions provided by this section:
- a. Transfers under this section may be made only if (1) juvenile correctional populations exceed appropriated areas of daily population targets or (2) for any other emergency expenditure, including expenditures necessitated by public calamity.
- b. A transfer authorized by this section must receive prior approval from the Governor and the Legislative Budget Board.
- c. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending under this section.
- 15. Project RIO.** From the funds appropriated above and to ensure the efficient use of state resources, the Texas Workforce Commission, the Texas Department of Criminal Justice, and the Youth Commission together shall enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a

## YOUTH COMMISSION (Continued)

biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation, and appropriate assessment of the offender prior to release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. The Texas Workforce Commission shall maintain interagency contracts at \$446,250 in each year of the biennium to the Youth Commission to fund Project RIO. The agencies shall enter into interagency contracts for the 2010-11 biennium to include the reporting of performance levels.

- 16. Training for GED and Reading Skills.** From the funds appropriated above in Strategy B.1.1, Education and Workforce Programs, the Youth Commission shall prioritize reading at grade level and preparation for the GED in its educational program. A report containing statistical information regarding student performance on the Test of Adult Basic Education (TABE) shall be submitted to the Legislative Budget Board and the Governor on or before December 1, 2010.
- 17. Salary Adjustment Authorized.** Notwithstanding other provisions of this Act, the Youth Commission is authorized to adjust salaries of Juvenile Correctional Officers I, Juvenile Correctional Officers II, Juvenile Correctional Officers III, Juvenile Correctional Officers IV, Juvenile Correctional Officers V, and Juvenile Correctional Officers VI to rates within the designated salary group for the purpose of recruiting, employing, and retaining career juvenile correctional personnel. Merit raises are prohibited for all Juvenile Correctional Officers who are receiving or are eligible to receive step adjustments in the career ladder system.
- 18. Human Resources Management Plan.** From funds appropriated above, the Youth Commission shall develop a Human Resources Management Plan designed to improve employee morale and retention. The plan must focus on reducing employee turnover through better management. The Youth Commission shall report, by October 1 of each year of the biennium, to the Legislative Budget Board and the Governor the employee turnover rate, by job category, at the agency during the preceding fiscal year. The effectiveness of an agency's plan shall be measured by whether or not there is a reduction in annual employee turnover rates at the agency, specifically by the reduction in the turnover rates for juvenile correctional officers.
- 19. Appropriation: Unexpended Balances of General Obligation Bond Proceeds.** Any unexpended balances of general obligation bond proceeds that have been approved under the provisions of Article IX, Section 19.70 or Article IX, Section 19.71 of House Bill 1, Eightieth Legislature, Regular Session, 2007, as of August 31, 2009, for the Youth Commission (TYC) are hereby appropriated to TYC for the biennium beginning September 1, 2009 for the purposes for which they were approved (fiscal year 2009 unexpended balance estimated to be \$0).
- 20. Appropriations Prohibited for Purposes of Payment to Certain Employees.** None of the appropriations made by this Act to the Youth Commission (TYC) may be distributed to or used to pay an employee of TYC who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, or has been convicted of an offense described in Article 42.12, Section 3g, Code of Criminal Procedure.
- 21. Managed Health Care and Mental Health Services Contract(s).** From funds appropriated above, the Youth Commission (TYC) shall develop and manage a provider contract, or contracts, to deliver the most effective managed health care and mental health services for the best value. Potential service providers shall not be entitled to pass-through funding from TYC appropriations.
- 22. Sunset Contingency.** Funds appropriated above for fiscal year 2011 are made contingent on the continuation of the Youth Commission by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated in fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
- 23. West Texas State School and Victory Field Correctional Academy.** Funds appropriated by this Act in fiscal year 2010 may only be used for the operation of the Victory Field Correctional Academy if the Youth Commission certifies to the Legislative Budget Board no later than September 1, 2009, that the facility is safe for use as a juvenile residential facility. Funds appropriated by this Act shall not be used for the operation of West Texas State School or Victory Field Correctional Academy after August 31, 2010.

## YOUTH COMMISSION

(Continued)

- 24. Appropriation Authority for General Obligation Bond Proceeds.**<sup>2</sup> Appropriated above in Strategy A.1.10, Construct and Renovate Facilities, in fiscal year 2010 is \$5,556,651 in general obligation bond proceeds for projects for the Youth Commission as described in Article IX, §17.11, Informational Listing General Obligation Bond Proceeds.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purpose(s).

- 25. Shared Use of Vehicle with the Juvenile Probation Commission.** Contingent upon availability of a vehicle in the Youth Commission (TYC) vehicle fleet, TYC may enter into an agreement for the temporary shared use of a TYC vehicle with the Juvenile Probation Commission to support collaboration between the two agencies. Any agreement must specify responsibilities of the respective agencies for vehicle maintenance, damage and repair, and fleet reporting requirements.
- 26. Prohibition of Payment to Youth Services International.** None of the funds appropriated above shall be used for payment to Youth Services International without prior approval of the Legislative Budget Board and the Office of the Attorney General.
- 27. Interagency Contracts Authorized, West Texas State School.** The Youth Commission is authorized to lease from The University of Texas for a term of years and upon conditions that are mutually agreeable to the Youth Commission and The University of Texas, under authority of the Interagency Cooperation Act, certain facilities situated at Pyote Air Force Base, in Ward County, Texas (same being located in Block 16, University Lands). The Youth Commission is authorized to pay to The University of Texas as rental for such a lease a sum not to exceed \$3,000 per year. Funds appropriated by this Act shall not be used for costs associated with West Texas State School after August 31, 2010.

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<sup>2</sup> Modified to correct reference error.

## RETIREMENT AND GROUP INSURANCE

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1, 2, 3, 4</sup>		
General Revenue Fund, estimated	\$ 425,212,478	\$ 452,463,467
General Revenue Dedicated Accounts, estimated	4,911,957	5,261,132

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<sup>1</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Retirement benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$888,552 in General Revenue Funds, and increases of \$140,868 in General Revenue-Dedicated Funds and \$82,044 in Other Funds in FY 2010, and a decrease of \$790,512 in General Revenue Funds, and increases of \$187,824 in General Revenue-Dedicated Funds and \$152,736 in Other Funds in FY 2011.

<sup>2</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$3,653,280 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010; and an increase of \$3,653,280 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Retirement contributions.

<sup>3</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Group Insurance benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$2,342,950 in General Revenue Funds, and increases of \$371,444 in General Revenue-Dedicated Funds and \$216,335 in Other Funds in FY 2010; and a decrease of \$2,226,179 in General Revenue Funds, and increases of \$528,935 in General Revenue-Dedicated Funds and \$430,123 in Other Funds in FY 2011.

<sup>4</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$7,705,872 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010, and an increase of \$8,229,792 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Group Insurance contributions.

**RETIREMENT AND GROUP INSURANCE**  
(Continued)

Federal Funds, estimated	6,709,252	7,009,360
State Highway Fund No. 006, estimated	<u>80,126,842</u>	<u>86,352,323</u>
<b>Total, Method of Financing</b>	<u>\$ 516,960,529</u>	<u>\$ 551,086,282</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: EMPLOYEES RETIREMENT SYSTEM</b>		
<b>A.1.1. Strategy: RETIREMENT CONTRIBUTIONS<sup>5, 6</sup></b> Retirement Contributions. Estimated.	\$ 114,011,068	\$ 116,404,274
<b>A.1.2. Strategy: GROUP INSURANCE<sup>7, 8</sup></b> Group Insurance. Estimated.	\$ 375,890,437	\$ 407,622,984
<b>A.1.3. Strategy: PUBLIC SAFETY BENEFITS</b> Public Safety Benefits. Estimated.	\$ 6,592,165	\$ 6,592,165
<b>A.1.4. Strategy: LECOS RETIREMENT PROGRAM</b> LECOS Retirement Program. Estimated.	<u>\$ 20,466,859</u>	<u>\$ 20,466,859</u>
<b>Total, Goal A: EMPLOYEES RETIREMENT SYSTEM</b>	<u>\$ 516,960,529</u>	<u>\$ 551,086,282</u>
<b>Grand Total, RETIREMENT AND GROUP INSURANCE</b>	<u>\$ 516,960,529</u>	<u>\$ 551,086,282</u>

<sup>5</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Retirement benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$888,552 in General Revenue Funds, and increases of \$140,868 in General Revenue-Dedicated Funds and \$82,044 in Other Funds in FY 2010, and a decrease of \$790,512 in General Revenue Funds, and increases of \$187,824 in General Revenue-Dedicated Funds and \$152,736 in Other Funds in FY 2011.

<sup>6</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$3,653,280 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010; and an increase of \$3,653,280 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Retirement contributions.

<sup>7</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Group Insurance benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$2,342,950 in General Revenue Funds, and increases of \$371,444 in General Revenue-Dedicated Funds and \$216,335 in Other Funds in FY 2010; and a decrease of \$2,226,179 in General Revenue Funds, and increases of \$528,935 in General Revenue-Dedicated Funds and \$430,123 in Other Funds in FY 2011.

<sup>8</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$7,705,872 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010, and an increase of \$8,229,792 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Group Insurance contributions.

**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:<sup>1, 2</sup></b>		
General Revenue Fund, estimated	\$ 133,255,039	\$ 134,969,026
General Revenue Dedicated Accounts, estimated	878,484	886,755

<sup>1</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Social Security benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$937,584 in General Revenue Funds, and an increase of \$222,768 in General Revenue-Dedicated Funds and \$129,744 in Other Funds in FY 2010, and a decrease of \$937,584 in General Revenue Funds, and an increase of \$222,768 in General Revenue-Dedicated Funds and \$181,152 in Other Funds in FY 2011.

<sup>2</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$4,332,960 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010; and an increase of \$4,332,960 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Social Security contributions.

**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**  
(Continued)

Federal Funds, estimated	2,334,206	2,320,953
<u>Other Funds</u>		
Other Special State Funds, estimated	83,622	85,212
State Highway Fund No. 006, estimated	27,891,682	28,436,727
Subtotal, Other Funds	<u>\$ 27,975,304</u>	<u>\$ 28,521,939</u>
<b>Total, Method of Financing</b>	<u>\$ 164,443,033</u>	<u>\$ 166,698,673</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>		
Comptroller - Social Security.		
<b>A.1.1. Strategy: STATE MATCH -- EMPLOYER<sup>3, 4</sup></b>	\$ 150,955,370	\$ 153,885,391
State Match — Employer. Estimated.		
<b>A.1.2. Strategy: BENEFIT REPLACEMENT PAY</b>	<u>\$ 13,487,663</u>	<u>\$ 12,813,282</u>
Benefit Replacement Pay. Estimated.		
<b>Total, Goal A: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>	<u>\$ 164,443,033</u>	<u>\$ 166,698,673</u>
<b>Grand Total, SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY</b>	<u>\$ 164,443,033</u>	<u>\$ 166,698,673</u>

<sup>3</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which decreases Social Security benefits proportionally with the number of FTEs decreased in agency bill patterns, resulting in a decrease of \$937,584 in General Revenue Funds, and an increase of \$222,768 in General Revenue-Dedicated Funds and \$129,744 in Other Funds in FY 2010, and a decrease of \$937,584 in General Revenue Funds, and an increase of \$222,768 in General Revenue-Dedicated Funds and \$181,152 in Other Funds in FY 2011.

<sup>4</sup> Incorporates Article IX, § 17.02(b), of this Act, relating to appropriations for employee benefits corresponding with the salary funding source of FTEs at the Department of Public Safety, resulting in an increase of \$4,332,960 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2010; and an increase of \$4,332,960 in General Revenue Funds, and an equal reduction of State Highway Fund 6 Funds in FY 2011 for Social Security contributions.

**BOND DEBT SERVICE PAYMENTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 243,170,775</u>	<u>\$ 247,750,318</u>
<b>Total, Method of Financing</b>	<u>\$ 243,170,775</u>	<u>\$ 247,750,318</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: FINANCE CAPITAL PROJECTS</b>		
<b>A.1.1. Strategy: BOND DEBT SERVICE</b>	\$ 243,170,775	\$ 247,750,318
		& UB
To Texas Public Finance Authority for Payment of Bond Debt Service.		
<b>Grand Total, BOND DEBT SERVICE PAYMENTS</b>	<u>\$ 243,170,775</u>	<u>\$ 247,750,318</u>



## LEASE PAYMENTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ <u>2,041,515</u>	\$ <u>1,975,185</u>
<b>Total, Method of Financing</b>	<u>\$ 2,041,515</u>	<u>\$ 1,975,185</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> LEASE PAYMENTS	\$ 2,041,515	\$ 1,975,185 & UB
To TFC for Payment to TPFAs.		
<b>Grand Total, LEASE PAYMENTS</b>	<u>\$ 2,041,515</u>	<u>\$ 1,975,185</u>

## SPECIAL PROVISIONS RELATING TO PUBLIC SAFETY AND CRIMINAL JUSTICE AGENCIES

**Sec. 2. Federally Funded Projects.** Consistent with the provisions in Article IX, § 6.10, state public safety and criminal justice agencies may exceed the limitations on full-time equivalent employees (FTEs) indicated in their appropriations only if the number of FTEs whose salaries, benefits, and other expenses related to employment that are 100 percent federally funded exceed the numbers indicated below which are included in the agencies' appropriations.

	2010	2011
a. Adjutant General's Department	395	395
b. Alcoholic Beverage Commission	0	0
c. Department of Criminal Justice	5	5
d. Commission on Fire Protection	0	0
e. Commission on Jail Standards	0	0
f. Juvenile Probation Commission	6	6
g. Commission on Law Enforcement Officer Standards and Education	0	0
h. Department of Public Safety	313	313
i. Youth Commission	34.5	34.5

**RECAPITULATION - ARTICLE V  
PUBLIC SAFETY AND CRIMINAL JUSTICE  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Adjutant General's Department	\$ 15,500,653	\$ 15,535,862
Alcoholic Beverage Commission	44,601,770	43,192,719
Department of Criminal Justice	2,911,443,066	2,995,236,427
Commission on Fire Protection	3,444,739	3,420,369
Commission on Jail Standards	1,046,848	1,046,848
Juvenile Probation Commission	150,743,963	147,727,384
Commission on Law Enforcement Officer Standards and Education	101,855	101,855
Department of Public Safety	120,815,594	120,257,497
Youth Commission	<u>209,606,186</u>	<u>205,531,087</u>
 Subtotal, Public Safety and Criminal Justice	 <u>\$ 3,457,304,674</u>	 <u>\$ 3,532,050,048</u>
 Retirement and Group Insurance	 425,212,478	 452,463,467
Social Security and Benefit Replacement Pay	<u>133,255,039</u>	<u>134,969,026</u>
 Subtotal, Employee Benefits	 <u>\$ 558,467,517</u>	 <u>\$ 587,432,493</u>
 Bond Debt Service Payments	 243,170,775	 247,750,318
Lease Payments	<u>2,041,515</u>	<u>1,975,185</u>
 Subtotal, Debt Service	 <u>\$ 245,212,290</u>	 <u>\$ 249,725,503</u>
 TOTAL, ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE	 <u>\$ 4,260,984,481</u>	 <u>\$ 4,369,208,044</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE V  
PUBLIC SAFETY AND CRIMINAL JUSTICE  
(General Revenue - Dedicated)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Department of Criminal Justice	\$ 3,326,805	\$ 3,326,805
Commission on Law Enforcement Officer Standards and Education	2,910,006	2,895,747
Department of Public Safety	<u>47,048,617</u>	<u>6,373,271</u>
Subtotal, Public Safety and Criminal Justice	<u>\$ 53,285,428</u>	<u>\$ 12,595,823</u>
Retirement and Group Insurance	4,911,957	5,261,132
Social Security and Benefit Replacement Pay	<u>878,484</u>	<u>886,755</u>
Subtotal, Employee Benefits	<u>\$ 5,790,441</u>	<u>\$ 6,147,887</u>
TOTAL, ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE	<u>\$ 59,075,869</u>	<u>\$ 18,743,710</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE V  
PUBLIC SAFETY AND CRIMINAL JUSTICE  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Adjutant General's Department	\$ 103,785,372	\$ 38,998,952
Alcoholic Beverage Commission	351,200	351,200
Department of Criminal Justice	18,601,740	18,601,739
Juvenile Probation Commission	19,209,156	19,209,156
Department of Public Safety	184,305,130	175,355,132
Youth Commission	<u>10,599,450</u>	<u>10,063,955</u>
 Subtotal, Public Safety and Criminal Justice	 <u>\$ 336,852,048</u>	 <u>\$ 262,580,134</u>
 Retirement and Group Insurance	 6,709,252	 7,009,360
Social Security and Benefit Replacement Pay	<u>2,334,206</u>	<u>2,320,953</u>
 Subtotal, Employee Benefits	 <u>\$ 9,043,458</u>	 <u>\$ 9,330,313</u>
 TOTAL, ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE	 <u>\$ 345,895,506</u>	 <u>\$ 271,910,447</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE V  
PUBLIC SAFETY AND CRIMINAL JUSTICE  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Adjutant General's Department	\$ 7,705,761	\$ 5,202,123
Alcoholic Beverage Commission	153,750	153,750
Department of Criminal Justice	125,548,901	95,748,890
Commission on Fire Protection	35,000	35,000
Commission on Jail Standards	28,500	28,500
Juvenile Probation Commission	12,821,023	12,879,404
Commission on Law Enforcement Officer Standards and Education	358,000	358,000
Department of Public Safety	621,651,553	457,197,908
Youth Commission	<u>12,985,864</u>	<u>7,097,480</u>
 Subtotal, Public Safety and Criminal Justice	 <u>\$ 781,288,352</u>	 <u>\$ 578,701,055</u>
 Retirement and Group Insurance	 80,126,842	 86,352,323
Social Security and Benefit Replacement Pay	<u>27,975,304</u>	<u>28,521,939</u>
 Subtotal, Employee Benefits	 <u>\$ 108,102,146</u>	 <u>\$ 114,874,262</u>
 Less Interagency Contracts	 <u>\$ 70,610,436</u>	 <u>\$ 70,350,469</u>
 TOTAL, ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE	 <u>\$ 818,780,062</u>	 <u>\$ 623,224,848</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE V  
PUBLIC SAFETY AND CRIMINAL JUSTICE  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Adjutant General's Department	\$ 126,991,786	\$ 59,736,937
Alcoholic Beverage Commission	45,106,720	43,697,669
Department of Criminal Justice	3,058,920,512	3,112,913,861
Commission on Fire Protection	3,479,739	3,455,369
Commission on Jail Standards	1,075,348	1,075,348
Juvenile Probation Commission	182,774,142	179,815,944
Commission on Law Enforcement Officer Standards and Education	3,369,861	3,355,602
Department of Public Safety	973,820,894	759,183,808
Youth Commission	<u>233,191,500</u>	<u>222,692,522</u>
 Subtotal, Public Safety and Criminal Justice	 <u>\$ 4,628,730,502</u>	 <u>\$ 4,385,927,060</u>
 Retirement and Group Insurance	 516,960,529	 551,086,282
Social Security and Benefit Replacement Pay	<u>164,443,033</u>	<u>166,698,673</u>
 Subtotal, Employee Benefits	 <u>\$ 681,403,562</u>	 <u>\$ 717,784,955</u>
 Bond Debt Service Payments	 243,170,775	 247,750,318
Lease Payments	<u>2,041,515</u>	<u>1,975,185</u>
 Subtotal, Debt Service	 <u>\$ 245,212,290</u>	 <u>\$ 249,725,503</u>
 Less Interagency Contracts	 <u>\$ 70,610,436</u>	 <u>\$ 70,350,469</u>
 TOTAL, ARTICLE V - PUBLIC SAFETY AND CRIMINAL JUSTICE	 <u>\$ 5,484,735,918</u>	 <u>\$ 5,283,087,049</u>
 Number of Full-Time-Equivalents (FTE)	 53,324.1	 53,263.1

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

## ARTICLE VI

### NATURAL RESOURCES

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated natural resources agencies.

### DEPARTMENT OF AGRICULTURE

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1</sup>		
General Revenue Fund <sup>2,3</sup>	\$ 83,535,644	\$ 60,506,491
<u>General Revenue Fund - Dedicated</u>		
Young Farmer Loan Guarantee Account No. 5002	106,584	106,584
GO TEXAN Partner Program Account No. 5051	1,081,333	81,334
Subtotal, General Revenue Fund - Dedicated	\$ 1,187,917	\$ 187,918
Federal Funds	351,960,400	374,531,748
<u>Other Funds</u>		
Farm and Ranch Finance Program Fund Account No. 575	82,669	82,669
Appropriated Receipts <sup>4</sup>	4,631,587	3,763,383
Texas Agricultural Fund No. 683	423,044	416,044
Interagency Contracts	709,582	709,582
Subtotal, Other Funds	\$ 5,846,882	\$ 4,971,678
<b>Total, Method of Financing</b>	<b>\$ 442,530,843</b>	<b>\$ 440,197,835</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 479,662	\$ 504,384
<b>This bill pattern represents an estimated 81% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b> <sup>2,3</sup>	666.0	666.0
<b>Schedule of Exempt Positions:</b>		
Commissioner of Agriculture, Group 5	\$137,500	\$137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: MARKETS &amp; PUBLIC HEALTH</b>		
Expand Markets While Protecting Public Health & Natural Resources.		
<b>A.1.1. Strategy: GENERATE MARKETING OPPORTUNITIES</b> <sup>3</sup>	\$ 48,728,161	\$ 24,254,854
Generate Marketing Opportunities for Texas Agriculture.		

<sup>1</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency, Article XII includes a Federal Funds increase of \$22,800,000 in FY 2010 resulting in a net All Funds appropriation of \$465,330,873 in FY 2010.

<sup>2</sup> Incorporates Article IX, § 17.84, of this Act, due to the enactment of SB 282, 81<sup>st</sup> Legislature, Regular Session, relating to grant and outreach programs to provide nutrition education to children, resulting in an increase in General Revenue Funds of \$500,000 and 0.5 FTEs in each fiscal year.

<sup>3</sup> Incorporates Article IX, § 17.103, of this Act, due to the enactment of SB 1016, 81<sup>st</sup> Legislature, Regular Session, relating to the continuation and functions of the Department of Agriculture, resulting in an increase in General Revenue Funds of \$62,519 in FY 2010 and \$54,519 in FY 2011, an increase from the Texas Agricultural Fund No. 683 of \$150,988 in FY 2010 and \$143,988 in FY 2011, and an increase of 3.0 FTEs in each fiscal year.

<sup>4</sup> Incorporates Rider 28, due to the enactment of HB 2925, 81<sup>st</sup> Legislature, Regular Session, relating to conducting fuel quality testing and enforcement, resulting in an increase in Appropriated Receipts of \$500,000 in each fiscal year.

## DEPARTMENT OF AGRICULTURE

(Continued)

<b>A.1.2. Strategy:</b> REGULATE PESTICIDE USE <sup>5</sup>	\$ 6,472,299	\$ 6,472,296
<b>A.1.3. Strategy:</b> INTEGRATED PEST MANAGEMENT Reduce Pesticide Use through Integrated Pest Management Practices.	\$ 17,569,140	\$ 17,569,140
<b>A.1.4. Strategy:</b> CERTIFY PRODUCE Certify Fruits, Vegetables and Peanuts to Enhance Their Marketability.	<u>\$ 148,159</u>	<u>\$ 148,159</u>
<b>Total, Goal A:</b> MARKETS & PUBLIC HEALTH	<u>\$ 72,917,759</u>	<u>\$ 48,444,449</u>
<b>B. Goal:</b> ENFORCE STANDARDS Protect Consumers by Establishing and Enforcing Standards.		
<b>B.1.1. Strategy:</b> SURVEILLANCE/BIOSECURITY EFFORTS Implement Surveillance and Biosecurity Efforts for Pests/Diseases.	\$ 2,657,783	\$ 2,463,638
<b>B.1.2. Strategy:</b> VERIFY SEED QUALITY Verify the Quality and Type of Seed Desired.	\$ 3,217,669	\$ 3,217,669
<b>B.1.3. Strategy:</b> AGRICULTURAL COMMODITY REGULATION Regulate Commodity through Verification, Licensing, Inspect, & Enfmnt.	\$ 1,335,546	\$ 1,335,545
<b>B.1.4. Strategy:</b> STRUCTURAL PEST CONTROL	<u>\$ 1,833,051</u>	<u>\$ 1,812,552</u>
<b>Total, Goal B:</b> ENFORCE STANDARDS	<u>\$ 9,044,049</u>	<u>\$ 8,829,404</u>
<b>C. Goal:</b> ENSURE PROPER MEASUREMENT Increase Likelihood That Goods Offered for Sale Are Properly Measured.		
<b>C.1.1. Strategy:</b> INSPECT MEASURING DEVICES <sup>6</sup> Inspect Weighing and Measuring Devices/Reduce Violations.	\$ 4,892,387	\$ 4,675,985
<b>D. Goal:</b> FOOD AND NUTRITION Provide Funding and Assistance on Food and Nutrition Programs.		
<b>D.1.1. Strategy:</b> SUPPORT NUTRITION PROGRAMS Support Nutrition Programs in Schools.	\$ 24,013,960	\$ 25,184,686
<b>D.2.1. Strategy:</b> NUTRITION ASSISTANCE <sup>7</sup>	<u>\$ 327,061,845</u>	<u>\$ 348,462,467</u>
<b>Total, Goal D:</b> FOOD AND NUTRITION	<u>\$ 351,075,805</u>	<u>\$ 373,647,153</u>
<b>E. Goal:</b> FOOD AND FIBERS COMMISSION Support and Coordinate Fibers and Food Protein Research.		
<b>E.1.1. Strategy:</b> RESEARCH AND DEVELOPMENT Review, Coordinate, and Fund Research and Development Programs.	\$ 4,600,843	\$ 4,600,844
<b>Grand Total, DEPARTMENT OF AGRICULTURE</b>	<u><u>\$ 442,530,843</u></u>	<u><u>\$ 440,197,835</u></u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 23,974,033	\$ 23,974,033
Other Personnel Costs	1,090,852	1,158,770
Professional Fees and Services	3,631,249	3,739,249
Fuels and Lubricants	643,341	653,341
Consumable Supplies	360,466	248,466
Utilities	766,489	766,489
Travel	987,008	987,008
Rent - Building	992,136	992,136
Rent - Machine and Other	211,479	211,479
Other Operating Expense	41,568,045	25,574,458

<sup>5</sup> The passage of HB 1530, 81<sup>st</sup> Legislature, Regular Session, transfers the regulation of health-related pest control from the Department of State Health Services (DSHS) to the Department of Agriculture (TDA) on September 1, 2009. Any funds appropriated for this purpose to DSHS will be transferred to Strategy A.1.2, Regulate Pesticide Use, of TDA's bill pattern through an Interagency Contract.

<sup>6</sup> Incorporates Rider 28, due to the enactment of HB 2925, 81<sup>st</sup> Legislature, Regular Session, relating to conducting fuel quality testing and enforcement, resulting in an increase in Appropriated Receipts of \$500,000 in each fiscal year.

<sup>7</sup> Incorporates Article IX, § 17.84, of this Act, due to the enactment of SB 282, 81<sup>st</sup> Legislature, Regular Session, relating to grant and outreach programs to provide nutrition education to children, resulting in an increase in General Revenue Funds of \$500,000 and 0.5 FTEs in each fiscal year.



**DEPARTMENT OF AGRICULTURE**  
(Continued)

Client Services	341,012,616	362,216,912
Grants	24,271,236	17,956,100
Capital Expenditures	<u>3,021,893</u>	<u>1,719,394</u>
<b>Total, Object-of-Expense Informational Listing</b>	<b><u>\$ 442,530,843</u></b>	<b><u>\$ 440,197,835</u></b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 1,655,412	\$ 1,680,244
Group Insurance	5,032,422	5,471,441
Social Security	2,068,805	2,099,837
Benefits Replacement	<u>210,679</u>	<u>200,145</u>
Subtotal, Employee Benefits	<u>\$ 8,967,318</u>	<u>\$ 9,451,667</u>
<u>Debt Service</u>		
TPFA GO Bond Debt Service	\$ 3,968	\$ 3,851
Lease Payments	<u>87,603</u>	<u>69,824</u>
Subtotal, Debt Service	<u>\$ 91,571</u>	<u>\$ 73,675</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b><u>\$ 9,058,889</u></b>	<b><u>\$ 9,525,342</u></b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Agriculture. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Agriculture. In order to achieve the objectives and service standards established by this Act, the Department of Agriculture shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: MARKETS &amp; PUBLIC HEALTH</b>		
<b>Outcome (Results/Impact):</b>		
Percent Increase in the Number of Sales Facilitated	7%	7%
Percent of Ag Pesticide Inspections in Compliance with Pesticide Laws and Regulations	92%	92%
Percent of Rural Communities Assisted	59%	59%
<b>A.1.1. Strategy: GENERATE MARKETING OPPORTUNITIES</b>		
<b>Output (Volume):</b>		
Number of Acres Inspected for Seed Certification	182,000	182,000
Number of Rural Community Projects in Which TDA Provided Assistance	652	652
Rural Development Activities and Events in Which TDA Participated	175	175
Businesses Assisted with Expansion, Recruitment, and Retention Prospects in Rural Texas	1,055	1,055
<b>A.1.2. Strategy: REGULATE PESTICIDE USE</b>		
<b>Output (Volume):</b>		
Number of Agricultural Pesticide Complaint Investigations Conducted	225	225
<b>A.1.3. Strategy: INTEGRATED PEST MANAGEMENT</b>		
<b>Output (Volume):</b>		
Hours Spent Informing Producers and Surveying Cotton for Compliance with Cotton Stalk Destruction Deadlines	11,500	11,500
Number of Inspections to Verify Compliance for Organic or Other Crop Production Certification Programs	400	400
<b>A.1.4. Strategy: CERTIFY PRODUCE</b>		
<b>Output (Volume):</b>		
Number of Pounds of Fruits, Vegetables, Peanuts and Nuts Inspected (In Billions)	2.67	2.67
<b>B. Goal: ENFORCE STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Seed Samples Found to Be in Full Compliance with State and Federal Standards	97%	97%
Percent of Licensees, Individuals, and Businesses Who Renew Online	29.94%	29.94%

**DEPARTMENT OF AGRICULTURE**  
(Continued)

Percent of New Individual and Business Licenses Applied for Online	42.63%	42.63%
Percent of Complaints Resolved Within Six Months	75%	75%
Percent of Independent School Districts Inspected Found to be in Compliance	92%	92%
<b>B.1.1. Strategy: SURVEILLANCE/BIOSECURITY EFFORTS</b>		
<b>Output (Volume):</b>		
Number of Nursery and Floral Establishment Inspections Conducted	9,500	9,500
Number of Hours Spent at Inspections of Plant Shipments and Regulated Articles	9,900	9,900
<b>B.1.2. Strategy: VERIFY SEED QUALITY</b>		
<b>Output (Volume):</b>		
Number of Official Seed Inspection Samples Drawn & Submitted for Analysis	5,157	5,157
<b>B.1.3. Strategy: AGRICULTURAL COMMODITY REGULATION</b>		
<b>Output (Volume):</b>		
Number of Egg Packer, Dealer, Wholesaler, and Retailer Inspections Conducted	2,100	2,100
Number of Grain Warehouse Inspections, Re-inspections, and Audits Conducted	275	275
<b>B.1.4. Strategy: STRUCTURAL PEST CONTROL</b>		
<b>Output (Volume):</b>		
Number of New Individual and Business Licenses Issued	6,038	6,038
Number of Licenses Renewed (Individuals and Businesses)	14,100	14,100
Number of Complaints Resolved	210	210
Number of Structural Business License Inspections Conducted	950	950
Number of School Inspections Performed	200	200
<b>Efficiencies:</b>		
Average Licensing Cost Per Individual and Business License Issued	17	17
<b>C. Goal: ENSURE PROPER MEASUREMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Total Weights and Measures Device Inspections Found in Full Compliance with State and Federal Standards	96%	96%
<b>C.1.1. Strategy: INSPECT MEASURING DEVICES</b>		
<b>Output (Volume):</b>		
Number of Weights and Measures Device Inspections Conducted <sup>8</sup>	132,982	132,982
<b>D. Goal: FOOD AND NUTRITION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of School Districts in Compliance with Nutrition Regulations	89.7%	89.7%
<b>D.1.1. Strategy: SUPPORT NUTRITION PROGRAMS</b>		
<b>Output (Volume):</b>		
Number of School District Staff Trained	20,682	20,682
<b>D.2.1. Strategy: NUTRITION ASSISTANCE</b>		
<b>Output (Volume):</b>		
Average Number of Children and Adults Served Meals through Child and Adult Care Food Program Per Day	287,178	292,921
<b>E. Goal: FOOD AND FIBERS COMMISSION</b>		
<b>E.1.1. Strategy: RESEARCH AND DEVELOPMENT</b>		
<b>Output (Volume):</b>		
Number of Research and Development Projects	41	41
Number of Formal Published Research Reports	156	156
<b>Efficiencies:</b>		
Cumulative Accrual of Supporting Research Funds	3,649,649	3,649,649

2. **Capital Budget.** Funds appropriated above may be expended for capital budget items as listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

<sup>8</sup> Measure modified to reflect funding adjustments made by Rider 28, due to the enactment of HB 2925, 81<sup>st</sup> Legislature, Regular Session.

**DEPARTMENT OF AGRICULTURE**  
(Continued)

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Computer Equipment and Software <sup>9</sup>	\$ 383,937	\$ 177,938
(2) Data Center Consolidation <sup>9</sup>	629,620	629,620
(3) Food and Nutrition Information and Payment Systems	\$ 1,809,600	\$ 717,600
Total, Acquisition of Information Resource Technologies	\$ 2,823,157	\$ 1,525,158
b. Transportation Items		
(1) Fleet Vehicles <sup>9</sup>	\$ 554,752	\$ 469,752
c. Acquisition of Capital Equipment and Items		
(1) Octane Analyzers	\$ 40,000	\$ 40,000
d. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments - Metrology Laboratory	\$ 147,978	\$ 147,606
Total, Capital Budget	\$ 3,565,887	\$ 2,182,516
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 1,756,287	\$ 1,464,916
Federal Funds	1,809,600	717,600
Total, Method of Financing	\$ 3,565,887	\$ 2,182,516

3. **Fee Increase Authority and Limitation.** The Texas Department of Agriculture shall collect fee amounts which offset, when feasible, the direct and indirect costs of administering its regulatory activities. The department is hereby authorized to and shall increase fees by a percentage sufficient to offset costs associated with its regulatory activities. It is the intent of the Legislature that the cost offset percentage shall be 100 percent for regulatory activities in the following strategies: A.1.1, Generate Marketing Opportunities; A.1.2, Regulate Pesticide Use; A.1.3, Integrated Pest Management; B.1.1, Surveillance/Biosecurity Efforts; B.1.3, Agricultural Commodity Regulation; B.1.4, Structural Pest Control; and C.1.1, Inspect Measuring Devices. The following activities are exempt from this requirement: Seed Testing; Quarantine Enforcement/Education; Piece Rate Crop Survey; Pest Management Program; Agriculture Hazard Communication Act; Boll Weevil Control Act; and Predatory Management Program.
  
4. **Appropriation: Land Donations.** In connection with the performance of its various responsibilities and programs the Texas Department of Agriculture is hereby authorized to use funds appropriated by this Act to lease and/or accept the donation of land or the use of land from: (1) governmental agencies;(2) private firms; (3) corporations; (4) individuals; (5) or other persons.
  
5. **Pay for Regular Compensatory Time: Livestock Export Pen Operations.** It is expressly provided that the Texas Department of Agriculture, to the extent permitted by law, may pay Fair Labor Standards Act (FLSA) nonexempt employees in classified positions who are stationed at Texas Department of Agriculture livestock export pens for compensatory time hours on a straight-time basis when the taking of compensatory time off would be disruptive to normal working activities and other critical functions relating to livestock export pen operations.
  
6. **Transfer Authority.** Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the Texas Department of Agriculture is hereby authorized to direct agency resources, and transfer such amounts appropriated above between strategy line items.
  
7. **Appropriation: Young Farmer Loan Guarantee Program.** Out of the Young Farmer Loan Guarantee Account No. 5002, the Texas Agricultural Finance Authority is hereby appropriated for fiscal years 2010 and 2011, all necessary amounts required to cover any defaults on loans referenced under § 58.055, Texas Agriculture Code, or for payments for the purpose of providing reduced interest rates on loans guaranteed to borrowers as authorized by § 58.052(e), Texas Agriculture Code.

<sup>9</sup> Amounts allocated for the “Computer Equipment and Software” (\$56,000 in FY 2010), “Data Center Consolidation” (\$17,600 in FY 2010 and FY 2011), and “Fleet Vehicles” (\$85,000 in FY 2010) Capital Budget Items were inadvertently left out of the listing of Capital Budget projects in previous versions of SB 1.

## DEPARTMENT OF AGRICULTURE

(Continued)

8. **Unexpended Balances Within the Biennium.** Any unexpended balances as of August 31, 2010, in the appropriations made herein to the Texas Department of Agriculture are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.
9. **Appropriations Limited to Revenue Collections: Octane Testing.** Included in amounts appropriated above to the Texas Department of Agriculture in Strategy C.1.1, Inspect Measuring Devices, the amount of \$355,137 from Appropriated Receipts (Revenue Object Code 3015) in each fiscal year of the biennium is contingent on the collection of fees, in accordance with Article 8614, § 9, Vernon's Texas Civil Statutes, to be used solely for the purpose of administering an octane testing program.
10. **Appropriations: License Plate Receipts.** Included in the amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, are all balances and revenue collected on or after September 1, 2009 (estimated to be \$4,000 in GO TEXAN Partner Program Account No. 5051 in each fiscal year) from the sale of license plates as provided by Texas Transportation Code § 504.625. Any unexpended balances as of August 31, 2010, out of the appropriations made herein are appropriated to the Texas Department of Agriculture for the fiscal year beginning September 1, 2010.
11. **Interagency Contract: Oyster Promotions and Education.** Contingent upon sufficient funds in the Oyster Sales Account No. 5022, the Texas Department of Agriculture shall enter into an interagency contract with the Texas Department of State Health Services for oyster industry advertising and promotion efforts and to provide information, education and/or training to wholesalers, retailers, and consumers on the safe and proper handling of oysters, in accordance with Texas Agriculture Code § 47.
12. **Master Lease Purchase Program (MLPP) Payments for the Metrology Laboratory.** Included in the amounts appropriated above to the Texas Department of Agriculture in Strategy C.1.1, Inspect Measuring Devices, out of the General Revenue Fund, are amounts required in fiscal years 2010 and 2011 to make lease payments to the Texas Public Finance Authority for the revenue bonds issued to finance construction of the metrology laboratory. The amount of the required lease payments are estimated to be \$147,978 in fiscal year 2010 and \$147,606 in fiscal year 2011.

The Texas Department of Agriculture shall set fees for the metrology program to recover an amount equal to the amount of the appropriations made herein for lease payments, and maintain the fee rate in such an amount during the term of any revenue obligations authorized herein.
13. **Appropriation: GO TEXAN Partner Program.** Included in amounts appropriated above to the Texas Department of Agriculture in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 out of the GO TEXAN Partner Program Account No. 5051 in fiscal year 2010, for the purpose of promoting Texas agricultural products. This amount consists of \$1,000,000 out of the General Revenue Fund to be transferred to the GO TEXAN Partner Program Account No. 5051.

Also included in amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 in Appropriated Receipts received as matching funds from program participants including gifts. All appropriations shall be transferred to the GO TEXAN Partner Program Account No. 5051 and are appropriated for the purpose of administering the program.
14. **Contingency to Increase the Full-Time-Equivalents (FTE) Cap for New Initiatives.** Contingent upon the receipt of federal funds above those appropriated herein for programs related to surveying, controlling or eradicating invasive pests or disease, the Texas Department of Agriculture is hereby authorized to increase its number of FTEs to the extent that federal funds are allocated for salary costs. These FTEs shall not be counted in the agency's "Number of Full-Time-Equivalents (FTE)" cap.

The Texas Department of Agriculture shall report all additional FTEs authorized by this provision to the Comptroller of Public Accounts, Legislative Budget Board and the Governor prior to filling such positions.
15. **Appropriations Limited to Revenue Collections: Prescribed Burn Manager Certification Program.** In addition to amounts appropriated above, the Texas Department of Agriculture is hereby appropriated fees collected (estimated to be \$0) in accordance with § 153.048, Natural Resources Code, to be used solely for the purpose of administering a prescribed burn manager certification program in Strategy A.1.2, Regulate Pesticide Use.

## DEPARTMENT OF AGRICULTURE

(Continued)

16. **Agricultural Sustainability Programs.** Out of funds appropriated above, the Texas Department of Agriculture may study, develop, and implement, creative technology and innovative solutions to mitigate agricultural non-point source pollution in the state from confined animal feeding operations and improve total resource management of agricultural and wildlife resources in the state.
17. **Appropriation of Receipts: Yardage Fees.** Included in the amounts appropriated above pursuant to Agriculture Code § 146.021 and included above in Strategy A.1.1, Generate Marketing Opportunities, and identified above in the method of finance as General Revenue in an amount not to exceed \$200,000 for each fiscal year is yardage fee revenue collected by the Texas Department of Agriculture for maintenance and operating expenses for livestock export pens.
18. **Texas Capital Fund.** All grants awarded by the Texas Department of Agriculture for infrastructure development and real estate development under the federal Community Development Block Grant Program shall be distributed with a priority on assisting manufacturers and value-added processors. To the greatest extent practicable, these funds are to be distributed equitably to all regions of this state.
19. **Food and Nutrition Programs.** Included in the amounts appropriated above to the Texas Department of Agriculture for the 2010-11 biennium is \$47,999,772 out of Federal Funds and \$398,248 out of the General Revenue Fund in Strategy D.1.1, Support Nutrition Programs, to administer the Food and Nutrition Programs.

In Strategy D.2.1, Nutrition Assistance, \$669,944,222 in Federal Funds and \$110,958 in General Revenue Funds are used to administer the Child and Adult Care Food Program audit funds, the Summer Food Service Program, the Emergency Food Assistance Program, and to make payments to providers participating in the Child and Adult Care Food Program, the Commodity Distribution Programs, the Summer Food Service Program, the Fresh Fruit and Vegetable Program and private and nonprofit institutions participating in the Special Milk Program, National School Lunch Program, and the School Breakfast Program.

The Child Nutrition Program (CNP) payments to independent school districts shall be budgeted at the Texas Education Agency and the CNP shall be administered by the Texas Department of Agriculture pursuant to a waiver from the United States Department of Agriculture (USDA). Included in the amounts appropriated elsewhere in this Act to the Texas Education Agency for the 2010-11 biennium is \$2,978,564,501 out of Federal Funds and \$29,278,000 out of the General Revenue Fund to provide reimbursement for the National School Lunch Program, the After School Care Program, the Seamless Summer Option, and the School Breakfast Program.

20. **Texas Wine Marketing Assistance Program.** Included in the amounts appropriated above out of the General Revenue Fund is \$250,000 each fiscal year in Strategy A.1.1, Generate Marketing Opportunities, from fee revenue transferred from the Texas Alcoholic Beverage Commission pursuant to Texas Alcoholic Beverage Code § 5.56 for the purpose of administering the Texas Wine Marketing program.
21. **Texas Shrimp Marketing Assistance Program.** Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$25,000 each fiscal year from fees collected pursuant to Agriculture Code § 134.014(b) and the fee revenue transferred from the Texas Parks and Wildlife Department pursuant to Parks and Wildlife Code § 77.002(c) for the purpose of administering the Texas Shrimp Marketing program, estimated to be \$156,867 each fiscal year.
22. **Appropriation: GO TEXAN Rural Community Program.** Included in amounts appropriated above to the Texas Department of Agriculture in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 out of the General Revenue Fund in fiscal year 2010 for the GO TEXAN Rural Community Program.
23. **Appropriation: Feral Hog Abatement Program.** Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$1,000,000 in fiscal year 2010 to be used to implement feral hog abatement technologies.

The Texas Department of Agriculture shall submit a report to the Legislative Budget Board and the Governor no later than September 1, 2010 providing information on the number of feral hogs abated and the cost per abatement using certain technologies.

## DEPARTMENT OF AGRICULTURE

(Continued)

- 24. Appropriation: Surplus Agricultural Product Grant Program.** Included in the amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, is \$1,500,000 in fiscal year 2010 to be used to fund the Surplus Agricultural Product Grant Program to offset the costs of harvesting, gleaning and transporting agricultural products to Texas food banks.
- 25. Appropriations Limited to Revenue Collections: Structural Pest Control.** It is the intent of the Legislature that fees, fines and other miscellaneous revenues as authorized and generated by the Department of Agriculture cover, at a minimum, the cost of the appropriations made above for strategy item B.1.4, Structural Pest Control, as well as the "Other direct and indirect costs" associated with this strategy, appropriated elsewhere in this Act. "Other direct and indirect costs" for Strategy B.1.4, Structural Pest Control, are estimated to be \$479,662 for fiscal year 2010 and \$504,384 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 26. TexasOnline Authority Appropriation.** The Texas Department of Agriculture (TDA) is authorized in accordance with § 2054.252 of the Government Code to increase the occupational license, permit, and registration fees imposed on licensees by an amount sufficient to cover the cost of the subscription fee charged by the TexasOnline Authority.

Amounts appropriated above to TDA include \$103,150 in each fiscal year in fee revenue in Strategy B.1.4, Structural Pest Control, for the purpose of paying TexasOnline Authority subscription fees.

- 27. Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Department of Agriculture are made contingent on the continuation of the Department of Agriculture by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010, or as much thereof as may be necessary are to be used to provide for the phase out of agency operations.
- 28. Contingency Appropriation for Fuel Quality Testing.** Contingent on passage of legislation relating to conducting fuel quality testing and enforcement, by the Eighty-first Legislature, Regular Session, the Department of Agriculture is hereby appropriated \$500,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 in Strategy C.1.1, Inspect Marketing Devices, out of Appropriated Receipts, and any related capital budget authority, to conduct fuel quality testing and enforcement as provided in the legislation.

Additionally, this appropriation is contingent upon the Department of Agriculture assessing fees sufficient to generate, during the 2010-11 biennium, \$1,000,000 in additional revenue deposited to the credit of the Comptroller revenue object code 3015 generated by the testing and enforcement of fuel quality.

- 29. Commodity Programs.** Included in the amounts appropriated above out of the General Revenue Fund is \$137,500 in Strategy A.1.3, Integrated Pest Management, in each fiscal year of the 2010-11 biennium, and \$60,000 in Strategy B.1.3, Agricultural Commodity Regulation, in each fiscal year of the 2010-11 biennium for the purposes of funding two Program Specialists to process applications in the Organics Program and one Grain Warehouse Audit Specialist in the Grain Warehouse Program. This funding is contingent upon the Department of Agriculture assessing fees sufficient to generate, during the 2010-11 biennium, \$464,140 in excess of the amounts contained in the Comptroller of Public Accounts 2010-11 Biennial Revenue Estimate for revenue generated by the Department of Agriculture in fiscal years 2010 and 2011 that is collected and deposited into the General Revenue Fund as Comptroller revenue object codes 3795, 3414, and 3400. Also, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above includes 3.0 FTEs in each fiscal year contingent upon the Department of Agriculture generating the amount of revenue indicated above. The Department of Agriculture, upon completion of necessary actions to access or increase such additional fees, shall furnish information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriations shall be made available for the intended purposes.
- 30. Zebra Chip Research.** Out of funds appropriated above in Strategy A.1.1, Generate Marketing Opportunities, in fiscal year 2010, \$1,600,000 shall be used to fund research of the Zebra Chip

**DEPARTMENT OF AGRICULTURE**  
(Continued)

Disease affecting potatoes in Texas. The Texas Department of Agriculture and the Texas Agricultural Experiment Station shall enter into an interagency contract for the funds appropriated above to be used for this research. Any unexpended balances remaining in the appropriation on August 31, 2010 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.

31. **Out-of-State Travel Reimbursement.** The agency may exceed the out-of-state travel cap for travel paid for or reimbursed by federal dollars or another third party.
32. **One-time Uncollectible Debt Payoff.** Included in the amounts appropriated above in Strategy A.1.1, Generate Marketing Opportunities, in fiscal year 2010, is \$14,700,000 in the General Revenue Fund to retire the debt of the Texas Agricultural Finance Authority.
33. **Fleet Planning and Optimization Pilot Program.** Out of funds appropriated no later than December 31<sup>st</sup>, 2009, the Texas Department of Agriculture shall implement a Fleet Planning and Optimization Pilot Program designed to manage the Department's fleet operations. In order to implement the Pilot Program, the Department shall contract with a vendor whose qualifications include at least ten years of experience in planning, routing, scheduling, and dispatching for fleets to maximize operational performance, and the ability to enable the Department to utilize leading-edge model based artificial intelligence for fleet planning and optimization. Contract payments to the selected vendor shall be made solely out of savings to the Department that are realized out of the implementation of the Program, and such payments shall not commence until such time as the program has achieved at least a five percent reduction in the total cost of the Department's vehicle fleet management operations. The Department shall complete a report to the Office of Vehicle Fleet Management in the Office of the Comptroller of Public Accounts regarding the results of the Program.
34. **GO TEXAN Certified Retirement Communities.** Included in the amounts appropriated above, out of the General Revenue Fund, to the Department of Agriculture in fiscal year 2010 in Strategy A.1.1, Generate Marketing Opportunities, is an amount equal to the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in the 2008-09 biennium (estimated to be \$240,312). The amounts appropriated above, out of the General Revenue Fund, to the Department of Agriculture in Strategy A.1.1, Generate Marketing Opportunities, also include the revenue deposited to the credit of the Comptroller revenue object code 3428 related to Certified Retirement Communities in each fiscal year of the 2010-11 biennium (estimated to be \$150,000 each fiscal year).
35. **Unexpended Balances Carried Forward Between Biennia.** Included in the amounts appropriated above, for use during the 2010-11 Biennium, are all unexpended balances (due to efficiencies or other cost savings of the Department), not to exceed the lesser of (1) \$1,208,267; or (2) 1 percent of all monies appropriated and/or allocated to the Texas Department of Agriculture from the 2008-09 biennium. The appropriations herein are for ensuring the continuation of high priority programs within the Texas Department of Agriculture.
36. **One-time Uncollectible Debt Payoff and Boll Weevil Eradication.**<sup>10</sup> Included in amounts appropriated elsewhere in this Act to the Department of Agriculture is \$14,700,000 in fiscal year 2010 from the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, to be used to retire the debt of the Texas Agricultural Finance Authority. Up to \$10,000,000 of this amount may alternatively be used for boll weevil eradication with prior notification of the Legislative Budget Board and the Governor.

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<sup>10</sup> Rider is duplicated from Article IX, § 17.19, of this Act.

## ANIMAL HEALTH COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 10,820,568	\$ 10,684,568
Federal Funds	4,571,563	4,571,563
<b>Total, Method of Financing</b>	<b>\$ 15,392,131</b>	<b>\$ 15,256,131</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	214.0	214.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$120,000	\$120,000
<b>Items of Appropriation:</b>		
<b>A. Goal: PROTECT/ENHANCE TEXAS ANIMAL HEALTH</b> Protect/Enhance Health of Texas Animal Populations.		
<b>A.1.1. Strategy: FIELD OPERATIONS</b> Field Operations for Animal Health Management and Assurance Programs.	\$ 11,167,871	\$ 11,165,871
<b>A.1.2. Strategy: DIAGNOSTIC/EPIDEMIOLOGICAL SUPPORT</b> Diagnostic/Epidemiological Support Services.	\$ 2,037,134	\$ 2,031,134
<b>A.1.3. Strategy: PROMOTE COMPLIANCE</b> Promote Compliance and Resolve Violations.	\$ 371,495	\$ 368,495
<b>Total, Goal A: PROTECT/ENHANCE TEXAS ANIMAL HEALTH</b>	\$ 13,576,500	\$ 13,565,500
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 996,110	\$ 990,610
<b>B.1.2. Strategy: INFORMATION RESOURCES</b>	\$ 467,695	\$ 355,695
<b>B.1.3. Strategy: OTHER SUPPORT SERVICES</b>	\$ 351,826	\$ 344,326
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	\$ 1,815,631	\$ 1,690,631
<b>Grand Total, ANIMAL HEALTH COMMISSION</b>	\$ 15,392,131	\$ 15,256,131
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 8,214,896	\$ 8,219,621
Other Personnel Costs	364,130	364,130
Professional Fees and Services	49,676	46,676
Fuels and Lubricants	93,147	93,147
Consumable Supplies	765,012	765,012
Utilities	192,611	192,611
Travel	990,179	990,179
Rent - Building	381,532	381,532
Rent - Machine and Other	50,787	50,787
Other Operating Expense	4,063,286	4,055,936
Capital Expenditures	226,875	96,500
<b>Total, Object-of-Expense Informational Listing</b>	\$ 15,392,131	\$ 15,256,131
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 507,528	\$ 515,141
Group Insurance	2,095,832	2,287,212
Social Security	624,874	634,247
Benefits Replacement	83,786	79,597
Subtotal, Employee Benefits	\$ 3,312,020	\$ 3,516,197
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 3,312,020	\$ 3,516,197



**ANIMAL HEALTH COMMISSION**  
(Continued)

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Animal Health Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Animal Health Commission. In order to achieve the objectives and service standards established by this Act, the Animal Health Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: PROTECT/ENHANCE TEXAS ANIMAL HEALTH</b>		
<b>Outcome (Results/Impact):</b>		
Percent Change in Known Prevalence of Bovine		
Brucellosis from the 1994 Level		
	(100)%	(100)%
<b>A.1.1. Strategy: FIELD OPERATIONS</b>		
<b>Output (Volume):</b>		
Number of Livestock Shipments Inspected		
	4,500	4,500
<b>A.1.2. Strategy: DIAGNOSTIC/EPIDEMIOLOGICAL SUPPORT</b>		
<b>Output (Volume):</b>		
Number of Specimens Processed through the State/Federal Cooperative Laboratory System		
	2,700,000	2,700,000
<b>A.1.3. Strategy: PROMOTE COMPLIANCE</b>		
<b>Output (Volume):</b>		
Number of Compliance Actions Completed		
	407	407

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Technology Refresh	\$ 365,116	\$ 229,115
b. Transportation Items		
(1) Fleet Vehicles	91,875	73,500
c. Acquisition of Capital Equipment and Items		
(1) Fever Tick Equipment	165,000	UB
Total, Capital Budget	\$ 621,991	\$ 302,615
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 621,991	\$ 302,615
Total, Method of Financing	\$ 621,991	\$ 302,615

- 3. Unexpended Balance Authority: Within the Biennium.** The Texas Animal Health Commission is hereby authorized to carry forward and is hereby appropriated any unexpended balances from fiscal year 2010 to fiscal year 2011.
- 4. Laboratory Testing.** It is the intent of the Legislature that laboratory testing for animal diseases be performed at the Texas Veterinary Medical Diagnostic Lab (TVMDL) to the extent of its capabilities, unless the Texas Animal Health Commission (TAHC) State-Federal Laboratory can perform the testing for TAHC programs more cost effectively. Furthermore, the TAHC will use funds appropriated by this Act to enter into an interagency memorandum of understanding to work with TVMDL to reduce duplication and ensure that all testing is performed in Texas to the extent possible.
- 5. Testing and Immunization of Employees.** Funds appropriated above may be expended for any immunization or testing, which is required of employees at risk in the performance of their duties.

## ANIMAL HEALTH COMMISSION

(Continued)

6. **Fee Revenue: Poultry Registration.** Included in the amounts appropriated above out of the General Revenue Fund is \$37,705 each fiscal year in Strategy A.1.1, Field Operations, from fees collected pursuant to Agriculture Code § 161.0411 for the purpose of administering the poultry registration program.
  
7. **Contingency to Increase the Full-Time-Equivalents (FTE) Cap for Federally Funded Programs.** Contingent upon the receipt of federal funds above those appropriated in this Act for programs related to animal identification or surveillance, control, or eradication of animal health pests or diseases, the Texas Animal Health Commission is hereby authorized to increase its number of FTEs to the extent that federal funds are allocated for salary costs. These FTEs shall not be counted against the agency's "Number of Full-Time-Equivalents (FTE)" cap.  
  
The Texas Animal Health Commission shall report all additional FTEs authorized by this provision to the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor prior to filling a position described by this rider.
  
8. **Fee Revenue: Premises Registration.** Any fees collected by the Animal Health Commission pursuant to Agriculture Code §161.056 for the purpose of administering the premises registration program on or after September 1, 2009 (estimated to be \$0) are hereby appropriated to the agency for the biennium ending August 31, 2011.
  
9. **Allowance for Personally-Owned Horses.** Funds appropriated above may be expended to provide an allowance not to exceed fifty dollars (\$50) per employee per day for each Commission employee whose duties required the use of a personally-owned horse.
  
10. **Contingency for Capital Budget Items.** Included in amounts appropriated above out of the General Revenue Fund in Strategies A.1.1, Field Operations, A.1.2, Diagnostic/ Epidemiological Support, A.1.3, Promote Compliance and the three strategies in Goal B: Indirect Administration, is collected revenue (Earned Federal Fund receipts) in the amount of \$229,366 in fiscal year 2010 and \$210,990 in fiscal year 2011 to purchase certain items identified in the Capital Budget (Rider No. 2). A portion of the funding for the Acquisition of Information Resource Technologies (\$137,491 in fiscal year 2010 and \$137,490 in fiscal year 2011) and all of the funding for the Transportation Items (\$91,875 in fiscal year 2010 and \$73,500 in fiscal year 2011) is contingent upon the receipt of earned federal funds of at least \$229,366 in fiscal year 2010 and \$210,990 in fiscal year 2011. In the event that actual receipts, as of August 31st of fiscal year 2010 and fiscal year 2011, do not equal the revenue targets established by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority specified above to be within the amount of actual collections.

## COMMISSION ON ENVIRONMENTAL QUALITY

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:<sup>1</sup></b>		
General Revenue Fund	\$ 15,559,747	\$ 13,936,272
<u>General Revenue Fund - Dedicated</u>		
Low Level Waste Account No. 088	2,124,323	1,330,323
Used Oil Recycling Account No. 146	957,839	945,807
Clean Air Account No. 151 <sup>2</sup>	106,465,157	99,436,539

<sup>1</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency, Article XII includes a Federal Funds increase of \$12,509,000 in FY 2010, resulting in a net All Funds appropriation of \$505,707,133 in FY 2010.

<sup>2</sup> Incorporates Article IX, § 17.81, of this Act, due to the enactment of HB 1796, 81<sup>st</sup> Legislature, Regular Session, relating to the development of carbon dioxide capture and sequestration in this state, which is similar to SB 16, which did not pass. The contingency provision increased appropriations out of the Texas Emissions Reduction Plan Account No. 5071 by \$521,074 in each fiscal year of the biennium; increased appropriations out of the Clean Air Account No. 151 by \$250,000 in each fiscal year of the biennium; increased the agency's FTE cap by 9.0 in each fiscal year of the biennium; and modified the allocation of funds out of the TERP Account No. 5071 to programs receiving TERP funding based on the legislation.

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

Water Resource Management Account No. 153 <sup>3</sup>	53,269,452	52,494,735
Watermaster Administration No. 158	1,188,250	1,188,250
TCEQ Occupational Licensing Account No. 468	1,780,776	1,670,776
Waste Management Account No. 549	34,193,462	33,246,419
Hazardous and Solid Waste Remediation Fee Account No. 550	31,042,319	30,527,981
Petroleum Storage Tank Remediation Account No. 655	29,867,350	22,420,320
Solid Waste Disposal Account No. 5000	12,186,324	10,986,324
Environmental Testing Laboratory Accreditation Account No. 5065	456,842	456,842
Texas Emissions Reduction Plan Account No. 5071 <sup>4</sup>	117,003,925	117,003,925
Dry Cleaning Facility Release Account No. 5093	7,228,932	7,224,222
Operating Permit Fees Account No. 5094	30,892,855	31,249,781
Subtotal, General Revenue Fund - Dedicated	<u>\$ 428,657,806</u>	<u>\$ 410,182,244</u>
Federal Funds	40,128,274	40,013,274
<u>Other Funds</u>		
Appropriated Receipts	1,145,348	1,145,348
Interagency Contracts	7,706,958	7,496,958
Subtotal, Other Funds	<u>\$ 8,852,306</u>	<u>\$ 8,642,306</u>
<b>Total, Method of Financing</b>	<u>\$ 493,198,133</u>	<u>\$ 472,774,096</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 420,339	\$ 430,828
<b>This bill pattern represents an estimated 99% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>4</sup></b>	2,980.3	3,001.3
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 6	\$145,200	\$145,200
Commissioner, (Chair), Group 6	150,000	150,000
Commissioner, Group 6	(2) 150,000	(2) 150,000
Red River Compact Commissioner	24,225	24,225
Rio Grande Compact Commissioner	41,195	41,195
Sabine River Compact Commissioner	(2) 8,787	(2) 8,487
Canadian River Compact Commissioner	10,767	10,767
Pecos River Compact Commissioner	32,247	32,247
<b>Items of Appropriation:</b>		
<b>A. Goal: ASSESSMENT, PLANNING AND PERMITTING</b>		
<b>A.1.1. Strategy: AIR QUALITY ASSESSMENT AND PLANNING<sup>4</sup></b>	\$ 213,267,102	\$ 206,599,320
<b>A.1.2. Strategy: WATER ASSESSMENT AND PLANNING<sup>3</sup></b> Water Resource Assessment and Planning.	\$ 31,522,561	\$ 31,454,887
<b>A.1.3. Strategy: WASTE ASSESSMENT AND PLANNING</b> Waste Management Assessment and Planning.	\$ 13,984,382	\$ 13,690,266
<b>A.2.1. Strategy: AIR QUALITY PERMITTING</b>	\$ 14,438,970	\$ 14,599,507
<b>A.2.2. Strategy: WATER RESOURCE PERMITTING</b>	\$ 14,502,396	\$ 14,420,161
<b>A.2.3. Strategy: WASTE MANAGEMENT AND PERMITTING</b>	\$ 10,650,689	\$ 10,563,331
<b>A.2.4. Strategy: OCCUPATIONAL LICENSING</b>	\$ 3,231,725	\$ 3,121,725
<b>A.3.1. Strategy: RADIOACTIVE MATERIALS MGMT</b> Radioactive Materials Management.	<u>\$ 4,028,402</u>	<u>\$ 2,734,402</u>
<b>Total, Goal A: ASSESSMENT, PLANNING AND PERMITTING</b>	<u>\$ 305,626,227</u>	<u>\$ 297,183,599</u>

<sup>3</sup> Incorporates Article IX, § 17.96, of this Act, due to the enactment of SB 876, relating to the performance of annual soil tests for certain concentrated animal feeding operations, which increased appropriations out of the Water Resource Management Account No. 153 by \$166,583 in FY 2010 and by \$108,083 in FY 2011.

<sup>4</sup> Incorporates Article IX, § 17.81, of this Act, due to the enactment of HB 1796, 81<sup>st</sup> Legislature, Regular Session, relating to the development of carbon dioxide capture and sequestration in this state, which is similar to SB 16, which did not pass. The contingency provision increased appropriations out of the Texas Emissions Reduction Plan Account No. 5071 by \$521,074 in each fiscal year of the biennium; increased appropriations out of the Clean Air Account No. 151 by \$250,000 in each fiscal year of the biennium; increased the agency's FTE cap by 9.0 in each fiscal year of the biennium; and modified the allocation of funds out of the TERP Account No. 5071 to programs receiving TERP funding based on the legislation.

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

<b>B. Goal: DRINKING WATER AND WATER UTILITIES</b>		
<b>B.1.1. Strategy: SAFE DRINKING WATER</b>	\$ 10,974,817	\$ 10,737,642
Safe Drinking Water Oversight.		
<b>B.1.2. Strategy: WATER UTILITIES OVERSIGHT</b>	\$ 4,318,930	\$ 4,231,430
<b>Total, Goal B: DRINKING WATER AND WATER UTILITIES</b>	\$ 15,293,747	\$ 14,969,072
<b>C. Goal: ENFORCEMENT AND COMPLIANCE SUPPORT</b>		
Enforcement and Compliance Assistance.		
<b>C.1.1. Strategy: FIELD INSPECTIONS &amp; COMPLAINTS</b>	\$ 42,589,803	\$ 41,393,202
Field Inspections and Complaint Response.		
<b>C.1.2. Strategy: ENFORCEMENT &amp; COMPLIANCE SUPPORT</b>	\$ 12,439,184	\$ 12,196,562
Enforcement and Compliance Support.		
<b>C.1.3. Strategy: POLLUTION PREVENTION RECYCLING</b>	\$ 6,210,638	\$ 4,947,638
Pollution Prevention, Recycling and Innovative Programs.		
<b>Total, Goal C: ENFORCEMENT AND COMPLIANCE SUPPORT</b>	\$ 61,239,625	\$ 58,537,402
<b>D. Goal: POLLUTION CLEANUP</b>		
Pollution Cleanup Programs to Protect Public Health & the Environment.		
<b>D.1.1. Strategy: STORAGE TANK ADMIN &amp; CLEANUP</b>	\$ 27,111,646	\$ 19,664,616
Storage Tank Administration and Cleanup.		
<b>D.1.2. Strategy: HAZARDOUS MATERIALS CLEANUP</b>	\$ 35,190,092	\$ 35,154,308
<b>Total, Goal D: POLLUTION CLEANUP</b>	\$ 62,301,738	\$ 54,818,924
<b>E. Goal: RIVER COMPACT COMMISSIONS</b>		
Ensure Delivery of Texas' Equitable Share of Water.		
<b>E.1.1. Strategy: CANADIAN RIVER COMPACT</b>	\$ 19,622	\$ 19,622
<b>E.1.2. Strategy: PECOS RIVER COMPACT</b>	\$ 126,761	\$ 126,761
<b>E.1.3. Strategy: RED RIVER COMPACT</b>	\$ 31,167	\$ 31,167
<b>E.1.4. Strategy: RIO GRANDE RIVER COMPACT</b>	\$ 144,991	\$ 144,991
<b>E.1.5. Strategy: SABINE RIVER COMPACT</b>	\$ 59,654	\$ 59,654
<b>Total, Goal E: RIVER COMPACT COMMISSIONS</b>	\$ 382,195	\$ 382,195
<b>F. Goal: INDIRECT ADMINISTRATION</b>		
<b>F.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 20,775,163	\$ 20,614,793
<b>F.1.2. Strategy: INFORMATION RESOURCES</b>	\$ 16,845,473	\$ 15,549,746
<b>F.1.3. Strategy: OTHER SUPPORT SERVICES</b>	\$ 10,733,965	\$ 10,718,365
<b>Total, Goal F: INDIRECT ADMINISTRATION</b>	\$ 48,354,601	\$ 46,882,904
<b>Grand Total, COMMISSION ON ENVIRONMENTAL QUALITY</b>	\$ 493,198,133	\$ 472,774,096
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 156,609,809	\$ 157,655,637
Other Personnel Costs	7,084,132	6,937,092
Professional Fees and Services	73,919,052	69,922,726
Fuels and Lubricants	812,009	812,109
Consumable Supplies	1,163,795	1,190,312
Utilities	2,422,882	2,494,906
Travel	2,474,291	2,474,291
Rent - Building	5,297,646	5,297,646
Rent - Machine and Other	1,179,056	1,179,056
Other Operating Expense	133,431,246	122,990,508
Client Services	65,631,930	65,631,930
Grants	35,308,143	31,043,633
Capital Expenditures	7,864,142	5,144,250
<b>Total, Object-of-Expense Informational Listing</b>	\$ 493,198,133	\$ 472,774,096

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

<u>Employee Benefits</u>		
Retirement	\$ 9,447,435	\$ 9,589,146
Group Insurance	20,485,547	22,124,310
Social Security	11,566,672	11,740,172
Benefits Replacement	<u>1,072,649</u>	<u>1,019,016</u>
Subtotal, Employee Benefits	<u>\$ 42,572,303</u>	<u>\$ 44,472,644</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 3,533,699</u>	<u>\$ 3,369,686</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 46,106,002</u>	<u>\$ 47,842,330</u>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Commission on Environmental Quality. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Commission on Environmental Quality. In order to achieve the objectives and service standards established by this Act, the Commission on Environmental Quality shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: ASSESSMENT, PLANNING AND PERMITTING</b>		
<b>Outcome (Results/Impact):</b>		
Annual Percent of Stationary and Mobile Source Pollution Reductions in Nonattainment Areas	6%	6%
Nitrogen Oxides (NOx) Emissions Reduced through the Texas Emissions Reduction Plan (TERP)	64.8	70.8
Annual Percent Reduction in Pollution from Permitted Wastewater Facilities Discharging to the Waters of the State	0.1%	0.1%
Percent of Texas Surface Water Meeting or Exceeding Water Quality Standards	65%	65%
Annual Percent Decrease in the Toxic Releases in Texas	2%	2%
<b>A.1.1. Strategy: AIR QUALITY ASSESSMENT AND PLANNING</b>		
<b>Output (Volume):</b>		
Number of Point Source Air Quality Assessments	2,300	2,300
Number of Area Source Air Quality Assessments	2,500	2,500
Number of Mobile Source On-road Air Quality Assessments	1,500	1,500
Number of Tons of Nitrogen Oxides Reduced Per Year through Texas Emissions Reduction Plan Expenditures <sup>5</sup>	14,803	11,246
Number of Vehicles Repaired and/or Replaced through LIRAP Assistance	17,000	17,000
<b>Efficiencies:</b>		
Average Cost of Low Income Repair Assistance Program (LIRAP) Vehicle Emissions Repairs/Retrofits	525	525
Average Cost Per Ton of Nitrous Oxides Reduced through Texas Emissions Reduction Plan Expenditures	7,500	7,500
<b>A.1.2. Strategy: WATER ASSESSMENT AND PLANNING</b>		
<b>Output (Volume):</b>		
Number of Surface Water Assessments	70	98
Number of Groundwater Assessments	60	60
Number of Dam Safety Assessments	730	1,030
<b>A.1.3. Strategy: WASTE ASSESSMENT AND PLANNING</b>		
<b>Output (Volume):</b>		
Number of Municipal Solid Waste Facility Capacity Assessments	250	250
<b>A.2.1. Strategy: AIR QUALITY PERMITTING</b>		
<b>Output (Volume):</b>		
Number of State and Federal New Source Review Air Quality Permit Applications Reviewed	5,600	5,600
Number of Federal Air Quality Operating Permits Reviewed	800	800

<sup>5</sup> Incorporates passage of HB 1796 by the 81<sup>st</sup> Legislature, Regular Session, which modified the allocation of funding out of the Texas Emissions Reduction Plan Account No. 5071.

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

<b>A.2.2. Strategy: WATER RESOURCE PERMITTING</b>		
<b>Output (Volume):</b>		
Number of Applications to Address Water Quality Impacts Reviewed	18,984	23,921
Number of Concentrated Animal Feeding Operation (CAFO) Authorizations Reviewed	893	145
<b>A.2.3. Strategy: WASTE MANAGEMENT AND PERMITTING</b>		
<b>Output (Volume):</b>		
Number of Nonhazardous Waste Permit Applications Reviewed	236	236
Number of Hazardous Waste Permit Applications Reviewed	160	160
<b>A.2.4. Strategy: OCCUPATIONAL LICENSING</b>		
<b>Output (Volume):</b>		
Number of Examinations Processed	12,200	12,200
<b>B. Goal: DRINKING WATER AND WATER UTILITIES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Texas Population Served by Public Water Systems Which Meet Drinking Water Standards	91%	93%
<b>B.1.1. Strategy: SAFE DRINKING WATER</b>		
<b>Output (Volume):</b>		
Number of Public Drinking Water Systems Which Meet Primary Drinking Water Standards	6,300	6,300
Number of Drinking Water Samples Collected	39,200	36,200
<b>B.1.2. Strategy: WATER UTILITIES OVERSIGHT</b>		
<b>Output (Volume):</b>		
Number of Utility Rate Reviews Performed	80	80
<b>C. Goal: ENFORCEMENT AND COMPLIANCE SUPPORT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Inspected or Investigated Air Sites in Compliance	98%	98%
Percent of Inspected or Investigated Water Sites and Facilities in Compliance	97%	97%
Percent of Inspected or Investigated Waste Sites in Compliance	97%	97%
Percent of Identified Noncompliant Sites and Facilities for Which Timely and Appropriate Enforcement Action Is Taken	85%	85%
Percent of Administrative Penalties Collected	88%	88%
<b>C.1.1. Strategy: FIELD INSPECTIONS &amp; COMPLAINTS</b>		
<b>Output (Volume):</b>		
Number of Inspections and Investigations of Air Sites	11,475	11,950
Number of Inspections and Investigations of Water Rights Sites	34,000	34,000
Number of Inspections and Investigations of Water Sites and Facilities	8,800	8,800
Number of Inspections and Investigations of Livestock and Poultry Operation Sites	400	400
Number of Inspections and Investigations of Waste Sites	7,358	7,358
<b>C.1.2. Strategy: ENFORCEMENT &amp; COMPLIANCE SUPPORT</b>		
<b>Output (Volume):</b>		
Number of Environmental Laboratories Accredited	250	250
Number of Small Businesses and Local Governments Assisted	60,000	60,000
<b>D. Goal: POLLUTION CLEANUP</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Leaking Petroleum Storage Tank Sites Cleaned up	86%	85%
Percent of Superfund Sites Cleaned up	63.5%	64.1%
Percent of Voluntary and Brownfield Cleanup Properties Made Available for Commercial, Industrial and Community Redevelopment, or Other Economic Reuse	66%	67%
<b>D.1.1. Strategy: STORAGE TANK ADMIN &amp; CLEANUP</b>		
<b>Output (Volume):</b>		
Number of Petroleum Storage Tank Reimbursement Applications Processed	1,400	900
<b>D.1.2. Strategy: HAZARDOUS MATERIALS CLEANUP</b>		
<b>Output (Volume):</b>		
Number of Voluntary and Brownfield Cleanups Completed	90	90
Number of Superfund Sites in Texas Undergoing Evaluation and Cleanup	51	51
Number of Superfund Cleanups Completed	4	5

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

**E. Goal: RIVER COMPACT COMMISSIONS**

**Outcome (Results/Impact):**

The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Canadian River Compact	100%	100%
The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Pecos River Compact	100%	100%
The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Red River Compact	100%	100%
The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Rio Grande River Compact	100%	100%
The Percentage Received of Texas' Equitable Share of Quality Water Annually as Apportioned by the Sabine River Compact	100%	100%

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103.

	<u>2010</u>	<u>2011</u>
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 10,879,760	\$ 9,119,760
(2) Personal Computer and Printer Replacement	1,087,000	1,087,500
(3) Software	167,473	167,473
(4) Integrated Billing and Accounts Receivable System	165,000	165,000
(5) Data Network and Security	790,000	786,000
(6) Texas Emission Reduction Plan Database	500,000	500,000
(7) Permitting and Registration Information System	1,700,001	1,699,999
(8) Photochemical Modeling Computing System	320,000	0
(9) Dam Safety CCEDS	250,000	0
(10) Air Permits Allowable Emissions Database	<u>\$ 554,000</u>	<u>\$ 699,600</u>
 Total, Acquisition of Information Resource Technologies	 <u>\$ 16,413,234</u>	 <u>\$ 14,225,332</u>
b. Transportation Items		
(1) Replacement Boats	97,285	32,000
(2) Replacement Vehicles for Agency Fleet	<u>\$ 1,632,249</u>	<u>\$ 559,679</u>
 Total, Transportation Items	 <u>\$ 1,729,534</u>	 <u>\$ 591,679</u>
c. Acquisition of Capital Equipment and Items		
(1) Air Monitoring Equipment	1,196,010	1,195,269
(2) Water Monitoring and Analysis Equipment	637,500	637,500
(3) Eight Hour Ozone Regulations Monitoring Equipment	<u>\$ 573,500</u>	<u>\$ 0</u>
 Total, Acquisition of Capital Equipment and Items	 <u>\$ 2,407,010</u>	 <u>\$ 1,832,769</u>
 Total, Capital Budget	 <u>\$ 20,549,778</u>	 <u>\$ 16,649,780</u>
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 4,409,220	\$ 2,587,275
 <u>General Revenue Fund - Dedicated</u>		
Low Level Waste Account No. 088	40,000	0
Used Oil Recycling Account No. 146	29,441	17,409
Clean Air Account No. 151	6,322,148	5,173,077
Water Resource Management Account No. 153	3,077,157	2,535,686
TCEQ Occupational Licensing Account No. 468	46,160	46,160

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

Waste Management Account No. 549	3,360,530	3,046,030
Hazardous and Solid Waste Remediation Fee Account No. 550	1,988,496	1,845,707
Petroleum Storage Tank Remediation Account No. 655	394,384	447,354
Texas Emissions Reduction Plan Account No. 5071	501,171	501,171
Dry Cleaning Facility Release Account	4,710	0
Operating Permit Fees Account No. 5094	376,361	449,911
 Subtotal, General Revenue Fund - Dedicated	 <u>\$ 16,140,558</u>	 <u>\$ 14,062,505</u>
 Total, Method of Financing	 <u>\$ 20,549,778</u>	 <u>\$ 16,649,780</u>

3. **Contingency Cash Flow.** If the Legislative Budget Board (LBB) and Governor determine after review of relevant information that cash flow difficulties will occur as a result of the appropriations made above, the LBB and Governor may authorize the Texas Commission on Environmental Quality (TCEQ) to temporarily expend General Revenue funds for the purpose of meeting the temporary cash flow needs of the TCEQ, limited to the amounts appropriated above. The transfer of funds shall be repaid to the General Revenue Fund by the end of the biennium in which the funds were transferred under procedures and standards established by the Comptroller of Public Accounts.
4. **Authorization: Aircraft Chartering.** Notwithstanding any other provision of this Act, the Texas Commission on Environmental Quality is authorized to spend appropriated funds for the chartering of aircraft for the purposes of monitoring environmental quality and the enforcement of environmental and water rights laws of the State.
5. **Local Air Pollution Grants Allocation.** Out of the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, an amount not less than \$2,800,000 in each year of the biennium shall be utilized to fund grants or cooperative agreements with eligible local air pollution programs under Health and Safety Code, § 382.0622. It is provided, however, that the combined federal and state share of the funding for any such local air pollution programs shall not exceed 67 percent of the total allocation to the programs, with the local share being based on the local dollars allocated pursuant to maintenance-of-effort requirements for federal air pollution grants.
6. **Fee Revenue: Pollution Control Equipment Exemptions.** Pursuant to Tax Code, § 11.31, included in amounts appropriated above out of the General Revenue Fund in Strategy C.1.3, Pollution Prevention, Recycling, and Innovative Programs, is \$221,000 each fiscal year from fee revenue collected beginning with the effective date of this Act for the purpose of determining whether pollution control equipment is exempt from taxation.

In addition to amounts appropriated above, any amounts collected by the Texas Commission on Environmental Quality pursuant to Tax Code, § 11.31 on or after September 1, 2009, in excess of \$221,000 in each fiscal year of the biennium are hereby appropriated to the agency.

7. **Authorization: Operating Fund.** The Texas Commission on Environmental Quality (TCEQ) is hereby authorized to make transfers from any appropriation made to TCEQ into a single account in the General Revenue Fund known as the "Texas Commission on Environmental Quality Operating Fund" for the purpose of making expenditures for which appropriations were made in this Act. After the expenditures have been made from the fund and as soon as the proper strategies have been identified, TCEQ shall process adjustments to the Comptroller in summary accounts to facilitate accurate cost allocations; provided, however, that each special account and fund shall be used for the purposes as now described by law and nothing shall be done to jeopardize or divert the special accounts and funds or any portion thereof including federal aid.
8. **Appropriation: Air Quality Planning.** Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$7,075,000 for the biennium for air quality planning activities to reduce ozone in areas as approved by the Texas Commission on Environmental Quality (TCEQ). These areas may include Waco, El Paso, Beaumont, Austin, Corpus Christi, Longview-Tyler-Marshall, San Antonio, and Victoria. These activities may include identifying, inventorying, and monitoring of pollution levels; modeling pollution levels; and the identification, quantification, and implementation of appropriate pollution reduction controls. The TCEQ shall allocate these funds in such a way as to channel the funds to those projects most useful for the State Implementation Plan (SIP). The areas receiving funds shall submit work plans for TCEQ approval describing the work they will complete with those funds.



## COMMISSION ON ENVIRONMENTAL QUALITY

(Continued)

- 9. Appropriations Limited to Revenue Collections: Occupational Licensing.** It is the intent of the Legislature that fees, fines and other miscellaneous revenues deposited to the TCEQ Occupational Licensing Account No. 468 as authorized and generated by the agency cover, at a minimum, the cost of the appropriations made above for strategy item A.2.4, Occupational Licensing, as well as the "Other direct and indirect costs" associated with this strategy, appropriated elsewhere in this Act. "Other direct and indirect costs" for strategy A.2.4, Occupational Licensing, are estimated to be \$267,279 for fiscal year 2010 and \$274,122 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 10. Contract with the State Office of Administrative Hearings.** Included in the amounts appropriated above is \$938,860 in fiscal year 2010 and \$938,860 in fiscal year 2011 to cover the cost of contracting with the State Office of Administrative Hearings for funding the Natural Resources Division for the purpose of conducting administrative hearings and for related expenses. The Texas Commission on Environmental Quality (TCEQ) and the State Office of Administrative Hearings may not enter into a contract for an amount less than the amounts specified herein. If the State Office of Administrative Hearings determines, at the end of each fiscal year, that the amount paid under the contract exceeds the necessary funding, it shall refund the difference to TCEQ. If the State Office of Administrative Hearings determines that the amounts are insufficient to fund the Natural Resources Division, the State Office of Administrative Hearings may enter into negotiations with TCEQ in order to renegotiate the interagency contract to provide additional funds for administrative hearings. The State Office of Administrative Hearings is not appropriated any state funds from such renegotiated contracts until it gives written notice to the Legislative Budget Board and the Governor, together with written permission of the agency.
- 11. Petroleum Storage Tank Administration.** Out of funds appropriated above not more than \$12,000,000 each fiscal year out of the Petroleum Storage Tank (PST) Remediation Account No. 655 in Strategy D.1.1, Storage Tank Administration and Cleanup, Strategy C.1.1, Field Inspections and Complaints, and Strategy C.1.2, Enforcement and Compliance Support, may be used for the PST regulatory program and for necessary administrative expenses associated with the PST Account No. 655 and the groundwater protection cleanup program, in accordance with Water Code, § 26.3573 (d)-(e). For the purposes of implementing activities identified in Water Code, § 26.3573 (d)-(e), the TCEQ is exempt from provisions of Article IX relating to the inclusion of temporary or contract workers in the calculation of the number of Full-Time Equivalent (FTE) positions by a state agency.
- 12. Texas Parks and Wildlife Environmental Special Investigations Unit.** Included in amounts appropriated above in Strategy C.1.2, Enforcement and Compliance Support, is \$250,000 out of Waste Management Account No. 549 for each fiscal year of the biennium for the purpose of supporting the Texas Parks and Wildlife Department's Environmental Special Investigations Unit to enforce state and federal laws on illegal dumping. This appropriation is contingent on a memorandum of understanding and an interagency transfer of the funds between the Texas Parks and Wildlife Department and the Texas Commission on Environmental Quality to jointly administer the program. Any unexpended balance of this appropriation from fiscal year 2010 is appropriated for the same purpose for fiscal year 2011.
- 13. Federal Funds and Capital Budget Expenditures.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Texas Commission on Environmental Quality (TCEQ) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget", when federal funds are received in excess of amounts identified in the agency's Capital Budget Rider and such funds are federally designated solely for the purchase of specific capital items. In addition, TCEQ also is hereby exempted from the Capital Budget Rider provisions within Article IX of this Act when funds are received in the form of gifts to the agency in excess of amounts identified in the agency's Capital Budget Rider and such funds are designated solely for the purchase of specific capital items. The TCEQ shall notify the Legislative Budget Board and the Governor upon receipt of such federal funds or gift proceeds, of the amount received and items to be purchased.
- 14. Appropriation: Refinement and Enhancement of Modeling to Demonstrate Attainment with the Clean Air Act.** Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$1,500,000 in fiscal year 2010 for

## COMMISSION ON ENVIRONMENTAL QUALITY

(Continued)

research to obtain the data and information to refine and enhance any model used to demonstrate attainment with the National Ambient Air Quality Standard (NAAQS) for ozone and other pollutants under the Federal Clean Air Act during the biennium beginning on September 1, 2009. These funds may also be used to collect data and for modeling to demonstrate attainment with the National Ambient Air Quality Standard for Ozone and other pollutants. The Commission on Environmental Quality may contract as necessary to carry out these activities.

- 15. Reallocation of Revenue and Balances for Certain Accounts.** Pursuant to Water Code, § 5.707, and notwithstanding provisions relating to Appropriation Transfers within the General Appropriations Act, the Texas Commission on Environmental Quality is hereby authorized to reallocate not more than 7 percent of the All Funds amount identified in the Method of Finance above from the following accounts (consisting of revenues and balances) to be used for purposes identified in the above strategies.

Used Oil Recycling Account No. 146  
Clean Air Account No. 151  
Water Resource Management Account No. 153  
Watermasters Administration Account No. 158  
Occupational Licensing Account No. 468  
Waste Management Account No. 549  
Hazardous and Solid Waste Remediation Fee Account No. 550  
Petroleum Storage Tank Remediation Account No. 655  
Solid Waste Disposal Account No. 5000  
Dry Cleaning Facility Release Account No. 5093  
Operating Permit Fee Account No. 5094

The Commission shall notify the Governor and the Legislative Budget Board of any decision to reallocate funds between accounts prior to any such reallocations.

- 16. Appropriation: Low-income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP).** Included in the amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$45,000,000 in each fiscal year of the 2010-11 biennium in estimated fee revenues from vehicle inspection and maintenance fees generated pursuant to Health and Safety Code, §§ 382.202 and 382.302, to fund the Low-income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP). Of the amounts, not more than \$323,000 in each fiscal year shall be used by the Texas Commission on Environmental Quality (TCEQ) for costs associated with administering the LIRAP as authorized in Health and Safety Code, § 382.202, and all remaining funds shall be used as LIRAP grants to local governments.

Also included in the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$5,000,000 in each fiscal year of the 2010-11 biennium in unexpended balances in the Clean Air No. 151 to be used only for purposes authorized in Chapter 382 of the Health and Safety Code for county-implemented local initiatives projects to reduce air emissions, including but not limited to the following: the expansion of AirCheck Texas Repair and Replacement Assistance Program; development and implementation of remote emissions-sensing systems, the Texas Commission on Environmental Quality's (TCEQ) Smoking Vehicle program, and the enhancement of transportation system improvements; and coordination with local law enforcement to reduce counterfeit inspection stickers.

In addition to the amounts appropriated above, there is hereby appropriated to the TCEQ for the biennium beginning on September 1, 2009 any additional revenues from vehicle inspection and maintenance fees generated from additional counties participating in the LIRAP beginning on or after September 1, 2009. Such funds shall be used to provide grants to local governments and to cover administrative costs of the TCEQ in administering the LIRAP.

- 17. Waste Tires.** Out of amounts appropriated above, the Texas Commission on Environmental Quality (TCEQ) shall enforce statutory requirements relating to waste, scrap, or used tires. It is the intent of the Legislature that funds appropriated by this Act be used in such a manner so that all reasonable steps are taken to minimize the illegal storage, transport, or disposal of waste or scrap tires. The TCEQ shall use funds appropriated by this Act to audit or otherwise monitor businesses that sell, transport, or store such tires and identify illegal or improper activities as well as study methods for achieving a greater level of compliance for tire disposal within the State of Texas. The TCEQ also shall use funds appropriated by this Act to seek opportunities for coordination with other agencies, such as the Comptroller of Public Accounts, through interagency agreements

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

or contracts. Cooperating agencies shall use funds appropriated by this Act to use routine contracts with taxpayers during audits or other activity to obtain copies of tire manifests or other information relating to tire transport or storage in accordance with Health and Safety Code, § 361.112. Such agreements shall provide that the cooperating agency transmit such records to the Commission for review and analysis and should be designed to have minimal costs for the cooperating agency. The TCEQ shall submit a report not later than December 1, 2010, to the Legislative Budget Board and the Governor detailing the TCEQ's efforts and findings in accordance with this provision.

- 18. Appropriations Limited to Revenue Collections: Automobile Emission Inspections.** Included in amounts appropriated above out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, is \$2,106,828 in each fiscal year for the operation of the vehicle emissions inspection and maintenance program pursuant to § 382.202, Health and Safety Code. These funds are for the purpose of developing, administering, evaluating, and maintaining the vehicle emissions inspection and maintenance program, including federally required reporting measures to demonstrate compliance with applicable federal and state laws.

In addition, if additional counties enter the vehicle emissions inspection and maintenance program during fiscal years 2010-11, 20 percent of revenues generated from the vehicle emissions and inspections fee in the additional counties in each fiscal year are hereby appropriated to the Texas Commission on Environmental Quality for the same purposes.

It is the intent of the Legislature that 20 percent of the fees authorized and generated by the operation of the vehicle emissions inspection and maintenance program cover, at a minimum, the costs of the appropriations made above, as well as the "Other direct and indirect costs" associated with the program, appropriated elsewhere in this Act. "Other direct and indirect costs" for the vehicle emissions inspection and maintenance program are estimated to be \$153,060 for fiscal year 2010 and \$156,706 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

- 19. Bosque River Water Quality Monitoring.** Out of funds appropriated above in Strategy A.1.2, Water Assessment and Planning, the Texas Commission on Environmental Quality shall conduct water quality monitoring of the Bosque River.
- 20. Appropriation: Administration Costs for the Texas River Compact Commissions.** Out of the amounts appropriated above, and in addition to amounts appropriated above in Goal E, River Compact Commissions, the Texas Commission on Environmental Quality shall allocate at least \$43,750 for fiscal year 2010 and \$49,750 for fiscal year 2011 to provide for operating costs for the Texas River Compact Commissions. In addition, out of amounts appropriated above, \$10,700 each fiscal year shall be used for support and administrative services for the commissions.
- 21. Appropriation: Perpetual Care Account.** In the event of an incident involving the release of radioactive material at a disposal, source material recovery, processing, or storage facility licensed by the Texas Commission on Environmental Quality (TCEQ), the TCEQ is hereby appropriated any revenues from the TCEQ licensee, including the proceeds of securities and interest earned, deposited to the credit of the Perpetual Care Account pursuant to Health and Safety Code, § 401.305 (b) and § 401.301 (d) during the biennium beginning September 1, 2009 (estimated to be \$0). The funds shall be used in Strategy A.3.1, Radioactive Materials Management, to mitigate radioactive pollution resulting from activities of a TCEQ licensee as provided in Health and Safety Code, § 401.305 (c)-(d), and pursuant to a memorandum of understanding with the Department of State Health Services relating to the regulations for the control of radiation as applicable.
- 22. Environmental Health Institute.** Out of amounts appropriated above, the Texas Commission on Environmental Quality (TCEQ) shall use up to \$500,000 out of the Hazardous and Solid Waste Remediation Fee Account No. 550 during the biennium beginning on September 1, 2009 for the support of the Texas Environmental Health Institute (TEHI) established in conjunction with the Department of State Health Services in Health and Safety Code, Chapter 427.

Any penalty amounts generated during the biennium beginning on September 1, 2009 from the TCEQ's administrative or civil enforcement actions that are invested in a Supplemental Environmental Project conducted by the TEHI or by any other organization in association with the TEHI, shall be considered an expenditure of the TCEQ for the purpose of supporting the TEHI.

## COMMISSION ON ENVIRONMENTAL QUALITY

(Continued)

- 23. Unexpended Balance Authority within the Biennium.** Any unexpended balances on August 31, 2010 in the appropriations made above to the Commission on Environmental Quality are hereby appropriated for the same purposes for the fiscal year beginning on September 1, 2010.
- 24. Nuisance Surveys for the Economically Distressed Areas Program.** Out of amounts appropriated above out of the General Revenue Fund in Strategy A.1.2, Water Resource Assessment and Planning, the Texas Commission on Environmental Quality shall reimburse the Department of State Health Services (DSHS) for costs incurred by DSHS in conducting nuisance surveys for applicants for financial assistance through the Economically Distressed Areas program administered by the Water Development Board. The Commission shall reimburse such costs through Interagency Contracts with (DSHS) in an amount not to exceed a total of \$250,000 for the biennium beginning on September 1, 2009.
- 25. Appropriation: Radioactive Materials Management.** Included in amounts appropriated above in Strategy A.3.1, Radioactive Materials Management, is \$1,071,723 in each fiscal year of the 2010-11 biennium out of the Low Level Waste Account No. 88 for costs incurred in the licensing process, pre-construction oversight, construction oversight, disposal fee-setting responsibility, and the regulation of the commencement of operations of a low-level radioactive waste disposal site.

Also included in amounts appropriated above in Strategy A.1.3, Radioactive Materials Management, in fiscal year 2010 is an amount not to exceed \$952,600 in fiscal year 2010 and \$158,600 in fiscal year 2011 in new fee revenues to the Low-Level Waste Management Account No. 88. This appropriation shall be contingent upon and limited to fee revenues deposited to the credit of Object Code 3589 in the Low Level Waste Account No. 88 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11. The funds shall be used to recover costs in reviewing and evaluating low-level radioactive waste disposal applications and in conducting inspections of the low-level radioactive disposal site in Andrews County pursuant to Health and Safety Code, Chapter 401, during the 2010-11 biennium.

Also included in amounts appropriated above in Strategy A.3.1, Radioactive Materials Management, in fiscal year 2010 is an amount not to exceed \$500,000 in new fee revenues to the Waste Management Account No. 549. This appropriation shall be contingent upon and limited to fee revenues deposited to the credit of Object Code 3589 in the Waste Management Account No. 549 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11. These funds shall be used to review and evaluate applications for source material recovery (uranium mining) and radioactive waste management and disposal regulatory actions.

In the event that the fees deposited to the credit of Revenue Object Code 3589 in the Low-Level Waste Account No. 88 are less than \$1,111,200 during the 2010-11 biennium, or in the event that fees deposited to the credit of Revenue Object Code 3589 in the Waste Management Account No. 549 are less than \$500,000 during the 2010-11 biennium, the Comptroller shall reduce the respective appropriation authority provided to be within the amount of revenue expected to be available. The Texas Commission on Environmental Quality, upon completion of necessary actions to assess additional fees, shall furnish copies of minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium from the new fees to the Comptroller of Public Accounts.

- 26. On-Site Wastewater Treatment Research Council Fee.** Included in amounts appropriated above in Strategy A.1.2, Water Assessment and Planning, is an amount not to exceed \$330,000 in each fiscal year of the biennium from fees collected and deposited to the General Revenue Fund pursuant to Health and Safety Code, Chapter 367, for costs relating to the On-Site Wastewater Treatment Research Council.
- 27. Texas Emissions Reduction Plan (TERP): Grants and Administration.<sup>6,7</sup>** Included in amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$117,003,925 in each fiscal year of the 2010-11 biennium out of the Texas Emissions Reduction Plan Account No. 5071. The funds shall be used as follows: \$104,133,194 in each fiscal year of the 2010-11 biennium shall be used as incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C, of which \$4,165,339

<sup>6</sup> Incorporates passage of HB 1796 by the 81<sup>st</sup> Legislature, Regular Session, which modified the allocation of funding out of the Texas Emissions Reduction Plan Account No. 5071.

<sup>7</sup> Incorporates passage of SB 1759 by the 81<sup>st</sup> Legislature, Regular Session, which provides for 5 percent of funding for the diesel emissions reduction incentive program to be used for the Clean Fleet Program established by the bill.

## COMMISSION ON ENVIRONMENTAL QUALITY

(Continued)

in each fiscal year of the 2010-11 biennium shall be used to implement the Clean School Bus Initiative established in Health and Safety Code, Chapter 390, pursuant to Health and Safety Code § 386.252, and \$5,206,675 each fiscal year of the 2010-11 biennium shall be used to implement the Clean Fleet Program established in Health and Safety Code, Chapter 391 (c); not more than \$2,340,078 in each fiscal year shall be used to administer the Diesel Emissions Reduction Program; and \$10,530,353 in each year of the 2010-11 biennium shall be used for grant funding for the New Technology Research Development Program established in Health and Safety Code, Chapter 387 according to provisions in Health and Safety Code § 386.252, of which not more than \$250,000 each fiscal year shall be used to administer the New Technology Research Development Program.

It is the intent of the Legislature for the Commission on Environmental Quality to work with the Texas Procurement and Support Services Division of the Office of the Comptroller of Public Accounts to negotiate state contract pricing for equipment purchased under the Texas State Clean School Bus Initiative.

- 28. Reimbursement of Advisory Committees.** Pursuant to Government Code, § 2110.004, reimbursement of expenses for advisory committee members out of funds appropriated above is limited to the following advisory committees:

Irrigators Advisory Council  
Small Business Compliance Advisory Panel  
Municipal Solid Waste Management and Resource Recovery Advisory Council  
Pollution Prevention Advisory Committee  
Dry Cleaners Advisory Committee

- 29. Appropriation: Contracting for Debt Collection.** Included in amounts appropriated above, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) for the biennium beginning on September 1, 2009, all proceeds from overdue and delinquent penalties and fees collected by a contractor working on behalf of the TCEQ to collect such funds. This appropriation shall be limited to the amount necessary to pay the contractor collecting such fees for its services and shall not exceed 18 percent of fine and fee proceeds collected by the contractor (estimated to be \$293,388 for the 2010-11 biennium). All other amounts collected shall be deposited to the General Revenue Fund or to a General Revenue-Dedicated Account, based on the applicable statutory provisions.

- 30. Authorization: Water and Air Program Fee Rates.** To provide for the recovery of costs of processing certain water and air applications, the following fee rates are established pursuant to Government Code, Chapter 316, Subchapter E, to be effective during the biennium beginning on September 1, 2009.

The maximum rate for the fees authorized in Water Code, §§ 5.701 (b-c), shall be \$2,000.

The maximum rate for fees authorized in Health and Safety Code, § 382.062, shall be \$80,000.

- 31. Contingency Appropriation: Revenue from Increased Fee Rates at Watermaster Offices.** In addition to amounts appropriated above in Strategy A.2.2, Water Resource Permitting, there is hereby appropriated to the Texas Commission on Environmental Quality (TCEQ) for the biennium beginning on September 1, 2009 fee revenues collected and deposited to the credit of the Watermaster Administration Account No. 158 from additional fees generated pursuant to Water Code, § 11.329 due to the implementation of increased fee rates at the watermaster offices and in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 (estimated to be \$0). These funds shall be used for operating costs of the watermaster offices.

This appropriation is contingent upon the TCEQ and the watermaster offices assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the appropriations out of the Watermaster Administration Account No. 158. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts shall reduce the appropriation authority provided above to be within the amount of revenue expected to be available. The TCEQ and the watermaster offices, upon completion of necessary actions to assess or increase additional fees, shall furnish copies of minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the

**COMMISSION ON ENVIRONMENTAL QUALITY**  
(Continued)

information sufficient to support the projection of increased revenues in excess of those estimated in the Biennial Revenue Estimate for 2010-11, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purpose.

- 32. Appropriation: Water Resource Management Account.** Included in the amounts appropriated above is \$53,102,869 in fiscal year 2010 and \$52,386,652 in fiscal year 2011 out of the Water Resource Management Account No. 153, of which \$15,000,000 each fiscal year is contingent upon the Texas Commission on Environmental Quality (TCEQ) assessing fees sufficient to generate, during the 2010-11 biennium, revenue deposited to the Water Resource Management Account No. 153 of at least \$15,000,000 in excess of the Comptroller's 2010-11 Biennial Revenue Estimate for each year of the 2010-11 biennium. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts shall reduce the appropriation authority provided above to be within the amount of revenue expected to be available. The TCEQ, upon completion of necessary actions to assess or increase additional fees, shall furnish copies of minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues in excess of those estimated in the Biennial Revenue Estimate for 2010-11, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purpose.
- 33. Aggregate Operations along the San Jacinto River.** Out of amounts appropriated above in Strategy C.1.1, Field Inspections and Complaint Response, the Commission on Environmental Quality shall conduct aerial observations at least twice per fiscal year to ensure enforcement of existing statutes and rules relating to aggregate operations along the San Jacinto River.
- 34. Appropriation: Hawkins Waste and Scrap Tire Cleanup.** Included in the amounts appropriated above out of the Solid Waste Disposal Account No. 5000 in Strategy C.1.3, Pollution Prevention and Recycling, is \$1,200,000 in fiscal year 2010 to be used for the cleanup of waste and scrap tire sites located in the City of Hawkins in Wood County.

Any unexpended balance remaining in this appropriation on August 31, 2010, is hereby appropriated to the Commission on Environmental Quality for the same purpose for the fiscal year beginning on September 1, 2010.

- 35. Appropriation: Mickey Leland National Urban Air Toxics Research Center.** Included in the amounts appropriated above in Strategy A.1.1., Air Quality Assessment and Planning, is \$1,000,000 out of the Clean Air Account No. 151 in fiscal year 2010 to be used to contract with the Mickey Leland National Urban Air Toxics Research Center for a study on air pollution risks and the health effects of air toxins.

Any unexpended balances remaining in this appropriation on August 31, 2010, are hereby appropriated to the Commission on Environmental Quality for the fiscal year beginning on September 1, 2010.

- 36. Appropriation: Carrizo-Wilcox Aquifer.** Included in the amounts appropriated above in Strategy A.1.2, Water Quality Assessment and Planning, is \$500,000 out of the General Revenue Fund in fiscal year 2010 to be used to conduct a study of the characteristics and impacts on groundwater planning in the Carrizo-Wilcox Aquifer.

Any unexpended balances remaining in this appropriation on August 31, 2010, are hereby appropriated to the Commission on Environmental Quality for the fiscal year beginning on September 1, 2010.

- 37. Reimbursement of Advisory Committee Members.** Contingent on passage of House Bill 3206, or similar legislation relating to the implementation of the exemption from ad valorem taxation for pollution control property by the Texas Commission for Environmental Quality by the Eighty-first Legislature, Regular Session, pursuant to Chapter 2110, Government Code, reimbursement of expenses for advisory committee members, out of the funds appropriated above, may include any advisory committee created to advise the agency about exemption from ad valorem taxation for pollution control property.

- 38. Appropriation: Low-Level Radioactive Waste Compact Commission.** Included in amounts appropriated above out of the Low-Level Waste Account No. 88 in Strategy A.3.1, Radioactive

## COMMISSION ON ENVIRONMENTAL QUALITY

(Continued)

Materials Management, is \$100,000 in each fiscal year of the 2010-11 biennium to be used to reimburse members of the Texas Low-Level Radioactive Waste Compact Commission for expenses related to travel in performance of their duties as commissioners.

- 39. Appropriation: Air Permit Allowable Database.** Included in the amounts appropriated above in Strategy A.2.1, Air Quality Permits, is \$277,000 in fiscal year 2010 and \$382,800 in fiscal year 2011 out of the Clean Air Account No. 151 and \$277,000 in fiscal year 2010 and \$382,800 in fiscal year 2011 out of the Operating Permits Fee Account No. 5094. The funds shall be used to establish an air permits allowable emissions database.

Any unexpended balances remaining in this appropriation on August 31, 2010 are hereby appropriated to the Commission on Environmental Quality for the fiscal year beginning on September 1, 2010.

- 40. Air Monitoring in Navarro County.** Out of funds appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, the Commission on Environmental Quality shall establish a permanent air monitoring program in Navarro County.

- 41. GasFind IR Cameras.** Out of the amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, the Commission on Environmental Quality shall purchase, operate, maintain, and deploy no less than seven GasFind IR cameras for the purpose of monitoring and responding to complaints.

## GENERAL LAND OFFICE AND VETERANS' LAND BOARD

	For the Years Ending August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 8,645,738	\$ 1,734,188
<u>General Revenue Fund - Dedicated</u>		
Coastal Protection Account No. 027	11,142,516	11,562,516
Coastal Public Lands Management Fee Account No. 450	202,510	202,509
Subtotal, General Revenue Fund - Dedicated	<u>\$ 11,345,026</u>	<u>\$ 11,765,025</u>
Federal Funds	14,004,163	19,931,020
<u>Other Funds</u>		
Appropriated Receipts	6,796,826	6,036,827
Interagency Contracts	12,674,087	12,674,087
Veterans Land Program Administration Fund No. 522	16,407,965	16,325,921
Texas Veterans Homes Administration Fund No. 374	2,473,640	2,876,579
Permanent School Fund No. 044	11,467,975	11,051,975
Subtotal, Other Funds	<u>\$ 49,820,493</u>	<u>\$ 48,965,389</u>
<b>Total, Method of Financing</b>	<u><u>\$ 83,815,420</u></u>	<u><u>\$ 82,395,622</u></u>

**This bill pattern represents an estimated 16% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 610.6 611.6

**Schedule of Exempt Positions:**

Land Commissioner, Group 5 \$137,500 \$137,500

**Items of Appropriation:**

**A. Goal: ENHANCE STATE ASSETS**

Enhance State Assets and Revenues by Managing State-owned Lands.

<sup>1</sup> Incorporates Article IX, § 17.117, of this Act, due to the enactment of SB 1863, 81<sup>st</sup> Legislature, Regular Session, providing for the closure of a man-made pass or its environs, resulting in an increase in General Revenue Funds of \$5,850,000 in FY 2010.

## GENERAL LAND OFFICE AND VETERANS' LAND BOARD

(Continued)

<b>A.1.1. Strategy:</b> ENERGY LEASE MANAGEMENT & REV AUDIT	\$ 4,442,310	\$ 3,574,310	
Assess State Lands' Revenue Potential & Manage Energy Leases/Revenues.			
<b>A.1.2. Strategy:</b> ENERGY MARKETING	\$ 1,119,667	\$ 1,109,667	
<b>A.1.3. Strategy:</b> DEFENSE AND PROSECUTION	\$ 2,963,194	\$ 1,803,195	
Royalty and Mineral Lease Defense and Prosecution.			
<b>A.1.4. Strategy:</b> UPLANDS LEASING	\$ 780,438	\$ 680,438	
Uplands Leasing and Inspection.			
<b>A.1.5. Strategy:</b> COASTAL LEASING	\$ 2,446,446	\$ 2,450,395	
Coastal Leasing and Inspection.			
<b>A.2.1. Strategy:</b> ASSET MANAGEMENT	\$ 5,708,150	\$ 5,104,650	
PSF & State Agency Real Property Evaluation/Acquisition/Disposition.			
<b>A.2.2. Strategy:</b> SURVEYING AND APPRAISAL	<u>\$ 1,133,025</u>	<u>\$ 1,133,025</u>	
PSF & State Agency Surveying and Appraisal.			
<b>Total, Goal A:</b> ENHANCE STATE ASSETS	<u>\$ 18,593,230</u>	<u>\$ 15,855,680</u>	
<b>B. Goal:</b> PROTECT THE COASTAL ENVIRONMENT			
Protect the Environment, Promote Wise Resource Use, and Create Jobs.			
<b>B.1.1. Strategy:</b> COASTAL MANAGEMENT	\$ 14,187,666	\$ 12,207,457	
<b>B.1.2. Strategy:</b> COASTAL EROSION CONTROL GRANTS <sup>2</sup>	\$ 20,182,547	\$ 17,121,179	
<b>B.2.1. Strategy:</b> OIL SPILL RESPONSE	\$ 6,657,539	\$ 6,773,973	
<b>B.2.2. Strategy:</b> OIL SPILL PREVENTION	<u>\$ 4,205,805</u>	<u>\$ 4,205,805</u>	
<b>Total, Goal B:</b> PROTECT THE COASTAL ENVIRONMENT	<u>\$ 45,233,557</u>	<u>\$ 40,308,414</u>	
<b>C. Goal:</b> VETERANS' LAND BOARD (VLB)			
Provide Benefit Programs to Texas Veterans.			
<b>C.1.1. Strategy:</b> VETERANS' LOAN PROGRAMS	\$ 11,959,265	\$ 11,877,222	
<b>C.1.2. Strategy:</b> VETERANS' HOMES	\$ 2,774,256	\$ 2,774,256	
State Veterans' Homes.			
<b>C.1.3. Strategy:</b> VETERANS' CEMETERIES	<u>\$ 5,255,112</u>	<u>\$ 11,580,050</u>	
State Veterans' Cemeteries.			
<b>Total, Goal C:</b> VETERANS' LAND BOARD (VLB)	<u>\$ 19,988,633</u>	<u>\$ 26,231,528</u>	
<b>Grand Total,</b> GENERAL LAND OFFICE AND VETERANS' LAND BOARD	<u>\$ 83,815,420</u>	<u>\$ 82,395,622</u>	
<b>Object-of-Expense Informational Listing:</b>			
Salaries and Wages	\$ 36,000,588	\$ 36,040,588	
Other Personnel Costs	894,672	899,222	
Professional Fees and Services	12,042,640	11,261,017	
Fuels and Lubricants	233,182	233,182	
Consumable Supplies	276,497	271,762	
Utilities	370,144	379,999	
Travel	863,497	830,403	
Rent - Building	397,798	397,798	
Rent - Machine and Other	235,811	235,811	
Other Operating Expense	8,311,755	7,721,484	
Grants	15,860,618	15,545,599	
Capital Expenditures	<u>8,328,218</u>	<u>8,578,757</u>	
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 83,815,420</u>	<u>\$ 82,395,622</u>	
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>			
<u>Employee Benefits</u>			
Retirement	\$ 2,314,622	\$ 2,349,341	
Group Insurance	4,374,796	4,730,466	
Social Security	2,773,187	2,814,785	

<sup>2</sup> Incorporates Article IX, § 17.117, of this Act, due to the enactment of SB 1863, 81<sup>st</sup> Legislature, Regular Session, providing for the closure of a man-made pass or its environs, resulting in an increase in General Revenue Funds of \$5,850,000 in FY 2010.



**GENERAL LAND OFFICE AND VETERANS' LAND BOARD**  
(Continued)

Benefits Replacement	243,846	231,654
Subtotal, Employee Benefits	\$ 9,706,451	\$ 10,126,246
<u>Debt Service</u>		
Lease Payments	\$ 137,451	\$ 133,506
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 9,843,902</b>	<b>\$ 10,259,752</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the General Land Office and Veterans' Land Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the General Land Office and Veterans' Land Board. In order to achieve the objectives and service standards established by this Act, the General Land Office and Veterans' Land Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ENHANCE STATE ASSETS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Permanent School Fund Uplands Acreage Leased	83%	83%
<b>A.1.1. Strategy: ENERGY LEASE MANAGEMENT &amp; REV AUDIT</b>		
<b>Output (Volume):</b>		
Amount of Revenue from Audits/Lease Reconciliations	8,000,000	10,200,000
<b>A.1.2. Strategy: ENERGY MARKETING</b>		
<b>Output (Volume):</b>		
Average Monthly Volume of In-kind Gas Sold in MMBtu	2,000,000	2,000,000
Average Monthly Volume of In-kind Oil Sold in Barrels	600	300
<b>A.1.4. Strategy: UPLANDS LEASING</b>		
<b>Output (Volume):</b>		
Annual Revenue from Uplands Surface Leases	9,800,000	9,800,000
<b>A.1.5. Strategy: COASTAL LEASING</b>		
<b>Output (Volume):</b>		
Annual Revenue from Coastal Leases	3,500,000	3,500,000
<b>B. Goal: PROTECT THE COASTAL ENVIRONMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Eroding Shorelines Maintained, Protected or Restored for Gulf Beaches and Other Shorelines	20%	20%
<b>B.1.1. Strategy: COASTAL MANAGEMENT</b>		
<b>Output (Volume):</b>		
Number of Coastal Management Program Grants Awarded	25	25
<b>B.2.1. Strategy: OIL SPILL RESPONSE</b>		
<b>Output (Volume):</b>		
Number of Oil Spill Responses	1,048	1,048
<b>B.2.2. Strategy: OIL SPILL PREVENTION</b>		
<b>Output (Volume):</b>		
Number of Prevention Activities - Vessels	1,447	1,447
<b>C. Goal: VETERANS' LAND BOARD (VLB)</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Texas Veterans Reached through Direct Outreach Efforts	9%	9%
Percent of Total Loan Income Used for Administrative Purposes	14.14%	14.36%
<b>C.1.2. Strategy: VETERANS' HOMES</b>		
<b>Output (Volume):</b>		
Occupancy Rate at Veterans Homes	95%	78%

- 2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

	2010	2011
a. Construction of Buildings and Facilities		
(1) Oily Bilge Reclamation Systems	\$ 130,000	\$ 130,000
(2) Texas State Veterans' Cemeteries	1,038,400	6,960,400

**GENERAL LAND OFFICE AND VETERANS' LAND BOARD**  
(Continued)

(3) Coastal Erosion Response Construction <sup>3</sup>	\$ 12,207,056	\$ 9,550,583
Total, Construction of Buildings and Facilities	\$ 13,375,456	\$ 16,640,983
b. Acquisition of Information Resource Technologies		
(1) PC/Server Rotation & Resiliency Project	485,000	485,000
(2) Aggregated Hardware/Software Project	119,200	99,200
(3) Coastal Resources Imagery Project	450,000	80,000
(4) Storage Enhancement Project	0	628,000
(5) Agency Land Program Project (ALPS)	250,000	125,000
(6) Business Process Integration Project	187,500	175,000
(7) Business Analytics Project	160,000	150,000
(8) Combined Systems Upgrade	189,875	93,625
(9) Gas Management System	\$ 1,000,000	\$ 159,500
Total, Acquisition of Information Resource Technologies	\$ 2,841,575	\$ 1,995,325
c. Transportation Items		
(1) Vehicles - Replacement	111,650	103,000
(2) Boats - Replacement	\$ 100,000	\$ 45,000
Total, Transportation Items	\$ 211,650	\$ 148,000
d. Acquisition of Capital Equipment and Items		
(1) Equipment - Replacement	\$ 106,800	\$ 91,806
Total, Capital Budget	\$ 16,535,481	\$ 18,876,114
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 7,598,625	\$ 668,575
GR Dedicated - Coastal Protection Account No. 027	518,683	500,839
Federal Funds	1,488,400	7,668,400
<u>Other Funds</u>		
Permanent School Fund No. 044	179,033	179,033
Veterans Land Program Administration Fund No. 522	393,684	308,684
Interagency Contracts	6,357,056	9,550,583
Subtotal, Other Funds	\$ 6,929,773	\$ 10,038,300
Total, Method of Financing	\$ 16,535,481	\$ 18,876,114

**3. Per Diem: Boards, Commissions, and Councils.** Citizen members of the School Land Board, Veterans' Land Board, Boards for Lease, and the Coastal Coordination Council may be paid per diem at a rate not to exceed the amount established elsewhere in this Act and actual expenses from funds appropriated above.

**4. Appropriation Source: Veterans' Land Program.** In addition to amounts appropriated above, there is hereby appropriated from the Veterans' Land Funds, the Veterans' Housing Assistance Funds and the fund for State Veterans' Homes, all amounts necessary to administer the Veterans' Land Program, Veterans' Housing Assistance Program, State Veterans' Homes, and Veterans' Cemeteries, including the amounts incurred in issuing bonds, in compensating a Housing Program Administrator, and in paying contracts for services rendered in administering the land and housing programs, as created and authorized by Article III, § 49b of the Texas Constitution, as amended and Chapter 164 of the Natural Resources Code.

**5. Appropriation of Receipts: Land Sales Expenses.** Pursuant to §§ 31.1571, 31.158 and 32.112, Natural Resources Code, there is hereby appropriated to the General Land Office receipts from

<sup>3</sup> Incorporates Article IX, § 17.117, of this Act, due to the enactment of SB 1863, 81<sup>st</sup> Legislature, Regular Session, providing for the closure of a man-made pass or its environs, resulting in an increase in General Revenue Funds of \$5,850,000 in FY 2010.

## GENERAL LAND OFFICE AND VETERANS' LAND BOARD

(Continued)

land sales sufficient to cover the usual and customary costs of conducting real estate transactions as authorized to be retained by the General Land Office and the School Land Board.

6. **Transfer Authority.** Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the General Land Office and Veterans' Land Board, is hereby authorized to direct agency resources within the General Land Office and Veterans' Land Board, and transfer such amounts appropriated above between strategy line items.
7. **Appropriation: Defense of Title to Permanent School Fund Real Property and Prosecution of Mineral Lease Claims or Cases.** Included in amounts appropriated above in Strategy A.1.3, Defense and Prosecution, is \$2,650,000 in fiscal year 2010 and \$1,490,000 in fiscal year 2011 in Appropriated Receipts from funds recovered for the Permanent School Fund by the General Land Office from the prosecution of Relinquishment Act, royalty deficiency and other mineral lease claims or cases. Such funds are to be used for the defense of title to Permanent School Fund real property, and the prosecution of Relinquishment Act, royalty deficiency and other mineral lease claims or cases.
8. **Unexpended Balances Within the Biennium.** Any unexpended balances as of August 31, 2010 in the appropriations made herein to the General Land Office and Veterans' Land Board are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.
9. **Appropriation: Easement Fees for Use of State-owned Riverbeds.** Included in the amounts appropriated above in Strategy A.1.4, Uplands Leasing, are all unencumbered balances on hand as of August 31, 2009 (not to exceed \$100,000 in Appropriated Receipts). In addition to amounts appropriated above, all amounts collected as easement fees for use of state-owned riverbeds pursuant to § 51.291, Natural Resources Code, or agency rules, during the biennium beginning September 1, 2009, (estimated to be \$0) are hereby appropriated for the biennium beginning on September 1, 2009 for the removal or improvement of unauthorized structures on Permanent School Fund real property.
10. **Reporting Requirements: Veterans' Land Board Loan Programs.** It is the intent of the Legislature that the General Land Office and Veterans' Land Board submit the following information on the Veterans' Land Board Housing and Land Loan Programs to the Bond Review Board on a semi-annual basis: the current and historical program cash flows for the last five fiscal years; a comparison of the net revenues of the programs to the debt service on the bonds; a comparison of actual to forecasted loan and investment income; and the number and dollar amount of foreclosures as a percentage of all active loans in the programs.
11. **Medicaid Reimbursement Rates for Texas State Veterans Homes.** It is the intent of the Legislature that the Health and Human Services Commission, in consultation with the General Land Office and Veterans' Land Board and pursuant to existing general law authority, should establish Medicaid reimbursement rates for long-term care services provided to Medicaid-eligible veterans who reside in veterans homes established and operated pursuant to Natural Resources Code, Chapter 164, that contract with the Texas Department of Aging and Disability Services to provide nursing facility services. The Health and Human Services Commission shall report on December 1 of each fiscal year in the biennium to the Legislative Budget Board and the Governor on the following: how many, on average, Medicaid-eligible veterans are in the veteran's homes; how many current residents of the homes are determined to be Medicaid-eligible in the prior fiscal year; and how many Medicaid-eligible veterans transfer into the homes and how many enter the homes as their initial nursing facility during the previous fiscal year. In addition, the report shall contain the total amount of Medicaid reimbursements paid in the prior fiscal year for veterans, the average daily rate paid to the facilities, and any other information requested by the Legislative Budget Board and the Governor.
12. **Real Property Investment Reporting.** On or before December 1 of each fiscal year, the General Land Office (GLO) shall submit to the Governor and Legislature a report on the amount of funds invested each year in the acquisition of real property, as well as the amount the GLO expects to invest on real property acquisitions in the following fiscal year. The report shall include the amount of funds expended from the Real Estate Special Fund Account of the Permanent School Fund No. 44 as well as the amount of funds deposited to the Real Estate Special Fund Account of the Permanent School Fund No. 44 as a result of real property sales, leases, or other investment income.
13. **Appropriation: Shared Project Funds.** Included in amounts appropriated above out of Appropriated Receipts in Strategy B.1.2, Coastal Erosion Control Grants, are estimated receipts

## GENERAL LAND OFFICE AND VETERANS' LAND BOARD

(Continued)

for shared project funds received in accordance with Natural Resources Code, Chapter 33, Subchapter H, § 33.603(c)(1) and § 33.604 (estimated to be \$2,625,000 for fiscal year 2010 and \$3,125,000 for fiscal year 2011).

- 14. Appropriation of Receipts: Real Property Sales and Mineral Royalties.** The General Land Office is hereby appropriated all additional receipts from real property sales of the Permanent School Fund (PSF) conducted by the General Land Office and all receipts from the lease of PSF land for mineral development mineral or royalty interests, real asset investments, or other interests, including revenue received from these sources, mineral estate in riverbeds, channels, and the tidelands, including islands, that are necessary to purchase fee or lesser interests in real property for the use and benefit of the PSF or for the purpose of purchasing easements for access to PSF land as authorized by Natural Resources Code § 11.07, and for all purposes pursuant to Natural Resources Code § 51.402.
- 15. Appropriation: Receipts and Account Balances for Surface Damages.** Included in the amounts appropriated above out of the Permanent School Fund No. 44 in Strategy A.2.1, Asset Management, is \$500,000 in each fiscal year of the biennium beginning on September 1, 2007 in receipts collected as surface damages pursuant to Natural Resources Code §§ 52.297, 53.115, 31.051, 51.291, 51.295, and 51.296. Such funds are appropriated for the purpose of funding conservation or reclamation projects, making permanent improvements on Permanent School Fund (PSF) real property, and making grants to a lessee of PSF real property for these purposes and for the purpose of purchasing easements for access to PSF land, as authorized by Natural Resources Code § 11.079. In addition to the funds appropriated above, additional revenues received from surface damage receipts during the biennium beginning on September 1, 2009 (estimated to be \$0) are hereby appropriated to the General Land Office for the same purposes.
- 16. Marketing, Acquisition, Disposition, and Management of Real Property Purchased by the Permanent School Fund.** Included in the amounts appropriated above in Strategy A.2.1, Asset Management, are funds generated by the leasing of Permanent School Fund (PSF) real property surface interests to pay reasonable and necessary costs incurred by the General Land Office for the marketing, acquisition, disposition, and management of real property purchased with proceeds of the PSF (estimated to be \$1,600,000 in each fiscal year of the biennium beginning on September 1, 2009).
- 17. Appropriation Authority of Coastal Protection Account Funds.** Included in amounts appropriated above in Strategy B.1.2, Coastal Erosion Control Grants, is an estimated \$370,000 in fiscal year 2010 and \$509,000 in fiscal year 2011 in interest earnings out of the Coastal Protection Account No. 27. In addition to amounts appropriated above, any interest earnings from the Coastal Protection Account No. 27 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 (estimated to be \$0) are hereby appropriated to the General Land Office for the biennium beginning on September 1, 2009, for coastal erosion response.
- 18. State Energy Marketing Program.** It is the intent of the Legislature that the General Land Office use a portion of the revenue from real property sales of the Permanent School Fund (PSF) and all receipts from the lease of PSF real property for mineral development, including royalties from existing and future active mineral leases of PSF land, to manage the State Energy Marketing Program as authorized by Natural Resources Code § 31.401 and Utilities Code §§ 35.102 and 104.2545.
- 19. Out of State Travel Limitation.** Notwithstanding limitations contained elsewhere in this Act on the expenditure of appropriated funds for travel outside the state of Texas, expenditures by the General Land Office and Veterans' Land Board on out-of-state travel shall not exceed \$120,000 in any fiscal year. In addition, the travel expenses incurred by the General Land Office and Veterans' Land Board staff associated with federal programs and paid out of Federal Funds are exempt from the requirements of Article IX, Section 5.08, Limitations on Travel Expenditures, and the limitations on such expenditures as set forth therein.
- 20. Appropriation: Coastal Management and Coastal Erosion Control.** Included in amounts appropriated above out of Interagency Contracts is \$4,348,412 in fiscal year 2010 and \$4,348,794 in fiscal year 2011 in Strategy B.1.1, Coastal Management, and \$8,248,392 in fiscal year 2010 and \$8,248,010 in fiscal year 2011 in Strategy B.1.2, Coastal Erosion Control Grants. The General Land Office (GLO) shall enter into an Interagency Contract with the Parks and Wildlife Department for coastal management and coastal erosion control purposes from proceeds of the Sporting Goods Sales Tax Transfer to the State Parks Account No. 64 in the amount of \$12,596,804 in each fiscal year of the 2010-11 biennium.

**GENERAL LAND OFFICE AND VETERANS' LAND BOARD**

(Continued)

- 21. Interagency Contract with the Texas Veterans Commission.** Included in the amounts appropriated above to the General Land Office and Veterans' Land Board out of Interagency Contracts in Strategy C.1.1, Veterans' Loan Programs, is \$68,626 in each fiscal year of the 2010-11 biennium derived from a contract between the General Land Office and Veterans' Land Board and the Texas Veterans Commission (TVC) to fund operations of the TVC Call Center. Pursuant to House Bill 3140, Eightieth Legislature, 2007, the General Land Office and Veterans Land Board and the Texas Veterans Commission shall enter into a memorandum of understanding regarding the funding and operations of the Veterans Commission Call Center.

**PARKS AND WILDLIFE DEPARTMENT<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 11,019,495	\$ 10,753,457
Sporting Goods Sales Tax - Transfer To:		
State Parks Account No. 64	55,448,418	52,626,717
Texas Parks and Recreation Account No. 467 <sup>2</sup>	7,708,916	7,711,084
Parks and Wildlife Conservation and Capital Account No. 5004	1,077,000	1,077,000
Large County and Municipality Recreation and Parks Account No. 5145 <sup>2</sup>	10,641,084	5,138,916
Unclaimed Refunds of Motorboat Fuel Tax	16,121,762	16,121,762
Boat and Boat Motor Sales and Use Tax	5,300,000	5,300,000
 Subtotal, General Revenue Fund	 <u>\$ 107,316,675</u>	 <u>\$ 98,728,936</u>
 <u>General Revenue Fund - Dedicated</u>		
Game, Fish and Water Safety Account No. 9	111,408,789	109,936,707
State Parks Account No. 64	38,479,032	32,235,185
Operators and Chauffeurs License Account No. 099 <sup>3</sup>	825,000	825,000
Texas Recreation and Parks Account No. 467 <sup>2</sup>	1,605,605	1,605,605
Non-Game and Endangered Species Conservation Account No. 506	23,315	23,315
Lifetime License Endowment Account No. 544	643,000	700,000
Texas Parks and Wildlife Capital and Conservation Account No. 5004	500,001	500,001
Shrimp License Buy Back Account No. 5023	539,543	539,543
Big Bend National Park Account No. 5030	104,000	51,000
Waterfowl/Wetland Conservation License Plate Account No. 5057	40,000	28,000
Texas Lions Camp License Plate Account No. 5116	42,000	6,000
Marine Mammal Recovery License Plate Account No. 5120	51,000	10,000

<sup>1</sup> Does not include appropriations in Article IX, § 17.01, totaling \$1,417,842 in each fiscal year in All Funds for Schedule C pay raises.

<sup>2</sup> Incorporates changes due to the enactment of HB 4583, 81<sup>st</sup> Legislature, Regular Session, relating to the creation and re-creation of funds and accounts in the state treasury, resulting in an increase of \$10,641,084 in FY 2010 and \$5,138,916 in FY 2011 from the new Sporting Goods Sales Tax (SGST) transfer to the General Revenue-Dedicated Large County and Municipality Recreation and Parks Account No. 5145, offset by a corresponding decrease in the SGST transfer to the General Revenue-Dedicated Texas Recreation and Parks Account No. 467. Enactment of HB 4583 also results in the appropriation of \$1,070,404 each fiscal year to the new General Revenue-Dedicated Large County and Municipality Recreation and Parks Account No. 5145, offset by a corresponding decrease in appropriations to the General Revenue-Dedicated Texas Recreation and Parks Account No. 467.

<sup>3</sup> Incorporates Article IX, § 17.04, of this Act, relating to Border Security Operations, resulting in an increase of \$700,000 each fiscal year for 15.0 additional game wardens and \$125,000 each fiscal year for overtime and operational costs, from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099. In FY 2010, \$532,535 and 8.7 FTEs are allocated to Strategy C.1.2, Warden Training Academy, and \$167,465 and 6.3 FTEs are allocated to Strategy C.1.1, Enforcement Programs, to reflect the training period for the 15.0 game wardens. Accordingly, in FY 2011 all game warden costs and FTEs are allocated to Strategy C.1.1, Enforcement Programs.

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

Marine Conservation License Plate Account No. 5142 <sup>4</sup>	24,600	24,600
Large County and Municipality Recreation and Parks Account No. 5145 <sup>5</sup>	1,070,404	1,070,404
Subtotal, General Revenue Fund - Dedicated	<u>\$ 155,356,289</u>	<u>\$ 147,555,360</u>
Federal Funds	43,828,873	41,830,624
<u>Other Funds</u>		
Appropriated Receipts	3,634,826	2,916,854
Interagency Contracts	250,000	250,000
Bond Proceeds - General Obligation Bonds	71,329,352	0
Subtotal, Other Funds	<u>\$ 75,214,178</u>	<u>\$ 3,166,854</u>
<b>Total, Method of Financing</b>	<u>\$ 381,716,015</u>	<u>\$ 291,281,774</u>
 <b>This bill pattern represents an estimated 99.8% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>6</sup></b>	3,178.3	3,180.3
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 5	\$143,000	\$143,000
<b>Items of Appropriation:</b>		
<b>A. Goal: CONSERVE NATURAL RESOURCES</b>		
Conserve Fish, Wildlife, and Natural Resources.		
<b>A.1.1. Strategy: WILDLIFE CONSERVATION</b> Wildlife Conservation, Habitat Management, and Research.	\$ 20,478,185	\$ 20,895,811
<b>A.1.2. Strategy: TECHNICAL GUIDANCE</b> Technical Guidance to Private Landowners and the General Public.	\$ 2,176,981	\$ 2,183,816
<b>A.1.3. Strategy: HUNTING AND WILDLIFE RECREATION</b> Enhanced Hunting and Wildlife-related Recreational Opportunities.	\$ 2,480,525	\$ 2,488,165
<b>A.2.1. Strategy: INLAND FISHERIES MANAGEMENT</b> Inland Fisheries Management, Habitat Conservation, and Research.	\$ 12,354,185	\$ 12,645,417
<b>A.2.2. Strategy: INLAND HATCHERIES OPERATIONS</b>	\$ 4,580,245	\$ 4,703,748
<b>A.2.3. Strategy: COASTAL FISHERIES MANAGEMENT<sup>4</sup></b> Coastal Fisheries Management, Habitat Conservation and Research.	\$ 12,890,389	\$ 13,153,409
<b>A.2.4. Strategy: COASTAL HATCHERIES OPERATIONS</b>	<u>\$ 2,732,402</u>	<u>\$ 2,724,633</u>
<b>Total, Goal A: CONSERVE NATURAL RESOURCES</b>	<u>\$ 57,692,912</u>	<u>\$ 58,794,999</u>

<sup>4</sup> Incorporates Article IX, § 17.45, of this Act, due to the enactment of HB 1749, 81<sup>st</sup> Legislature, Regular Session, relating to issuance of marine conservation specialty license plates, resulting in an increase of \$24,600 each fiscal year from the General Revenue-Dedicated Marine Conservation License Plate Account No. 5142.

<sup>5</sup> Incorporates changes due to the enactment of HB 4583, 81<sup>st</sup> Legislature, Regular Session, relating to the creation and re-creation of funds and accounts in the state treasury, resulting in an increase of \$10,641,084 in FY 2010 and \$5,138,916 in FY 2011 from the new Sporting Goods Sales Tax (SGST) transfer to the General Revenue-Dedicated Large County and Municipality Recreation and Parks Account No. 5145, offset by a corresponding decrease in the SGST transfer to the General Revenue-Dedicated Texas Recreation and Parks Account No. 467. Enactment of HB 4583 also results in the appropriation of \$1,070,404 each fiscal year to the new General Revenue-Dedicated Large County and Municipality Recreation and Parks Account No. 5145, offset by a corresponding decrease in appropriations to the General Revenue-Dedicated Texas Recreation and Parks Account No. 467.

<sup>6</sup> Incorporates Article IX, § 17.04, of this Act, relating to Border Security Operations, resulting in an increase of \$700,000 each fiscal year for 15.0 additional game wardens and \$125,000 each fiscal year for overtime and operational costs, from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099. In FY 2010, \$532,535 and 8.7 FTEs are allocated to Strategy C.1.2, Warden Training Academy, and \$167,465 and 6.3 FTEs are allocated to Strategy C.1.1, Enforcement Programs, to reflect the training period for the 15.0 game wardens. Accordingly, in FY 2011 all game warden costs and FTEs are allocated to Strategy C.1.1, Enforcement Programs.

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

<b>B. Goal:</b> ACCESS TO STATE AND LOCAL PARKS			
<b>B.1.1. Strategy:</b> STATE PARK OPERATIONS	\$	70,297,653	\$ 70,463,343
State Parks, Historic Sites and State Natural Area Operations.			
<b>B.1.2. Strategy:</b> PARKS MINOR REPAIR PROGRAM	\$	4,582,171	\$ 4,582,171
<b>B.1.3. Strategy:</b> PARKS SUPPORT	\$	4,082,828	\$ 4,081,928
<b>B.2.1. Strategy:</b> LOCAL PARK GRANTS <sup>7</sup>	\$	20,857,570	\$ 15,354,860
Provide Local Park Grants.			
<b>B.2.2. Strategy:</b> BOATING ACCESS AND OTHER GRANTS	\$	<u>8,284,935</u>	\$ <u>8,123,645</u>
Provide Boating Access, Trails and Other Grants.			
<b>Total, Goal B:</b> ACCESS TO STATE AND LOCAL PARKS	\$	<u>108,105,157</u>	\$ <u>102,605,947</u>
<b>C. Goal:</b> INCREASE AWARENESS AND COMPLIANCE			
<b>C.1.1. Strategy:</b> ENFORCEMENT PROGRAMS <sup>8</sup>	\$	43,551,095	\$ 44,142,329
Wildlife, Fisheries and Water Safety Enforcement.			
<b>C.1.2. Strategy:</b> WARDEN TRAINING ACADEMY <sup>8</sup>	\$	2,618,612	\$ 2,109,032
Game Warden Training Academy.			
<b>C.1.3. Strategy:</b> LAW ENFORCEMENT SUPPORT	\$	2,207,921	\$ 2,224,796
Provide Law Enforcement Oversight, Management and Support.			
<b>C.2.1. Strategy:</b> HUNTER AND BOATER EDUCATION	\$	1,318,848	\$ 1,328,395
Provide Hunter and Boater Education Programs.			
<b>C.2.2. Strategy:</b> TP&W MAGAZINE	\$	2,452,735	\$ 2,456,236
Texas Parks & Wildlife Magazine.			
<b>C.2.3. Strategy:</b> COMMUNICATION PRODUCTS AND SERVICES	\$	3,054,201	\$ 3,071,271
Provide Communication Products and Services.			
<b>C.2.4. Strategy:</b> OUTREACH AND EDUCATION	\$	1,334,824	\$ 1,346,325
Provide Outreach and Education Programs.			
<b>C.3.1. Strategy:</b> LICENSE ISSUANCE	\$	7,395,918	\$ 7,397,525
Hunting and Fishing License Issuance.			
<b>C.3.2. Strategy:</b> BOAT REGISTRATION AND TITLING	\$	<u>1,439,723</u>	\$ <u>1,446,909</u>
<b>Total, Goal C:</b> INCREASE AWARENESS AND COMPLIANCE	\$	<u>65,373,877</u>	\$ <u>65,522,818</u>
<b>D. Goal:</b> MANAGE CAPITAL PROGRAMS			
<b>D.1.1. Strategy:</b> IMPROVEMENTS AND MAJOR REPAIRS	\$	101,853,889	\$ 24,992,422
Implement Capital Improvements and Major Repairs.			
<b>D.1.2. Strategy:</b> LAND ACQUISITION	\$	11,749,346	\$ 2,484,800
<b>D.1.3. Strategy:</b> INFRASTRUCTURE ADMINISTRATION	\$	4,309,399	\$ 4,319,840
Infrastructure Program Administration.			
<b>D.1.4. Strategy:</b> DEBT SERVICE	\$	<u>7,497,102</u>	\$ <u>7,424,676</u>
Meet Debt Service Requirements.			
<b>Total, Goal D:</b> MANAGE CAPITAL PROGRAMS	\$	<u>125,409,736</u>	\$ <u>39,221,738</u>
<b>E. Goal:</b> INDIRECT ADMINISTRATION			
<b>E.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$	10,224,357	\$ 10,281,346
<b>E.1.2. Strategy:</b> INFORMATION RESOURCES	\$	11,115,566	\$ 11,034,141
<b>E.1.3. Strategy:</b> OTHER SUPPORT SERVICES	\$	<u>3,794,410</u>	\$ <u>3,820,785</u>
<b>Total, Goal E:</b> INDIRECT ADMINISTRATION	\$	<u>25,134,333</u>	\$ <u>25,136,272</u>
<b>Grand Total, PARKS AND WILDLIFE DEPARTMENT</b>	\$	<u>381,716,015</u>	\$ <u>291,281,774</u>

<sup>7</sup> The enactment of HB 4586, 81<sup>st</sup> Legislature, Regular Session, relating to making supplemental appropriations, results in the designation of \$1.5 million in matching grants to the City of Waco as follows: 1) \$373,000 for replacing the Oscar Du Conge Pool; and 2) \$1,127,000 for renovations of the public skate park.

<sup>8</sup> Incorporates Article IX, § 17.04, of this Act, relating to Border Security Operations, resulting in an increase of \$700,000 each fiscal year for 15.0 additional game wardens and \$125,000 each fiscal year for overtime and operational costs, from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099. In FY 2010, \$532,535 and 8.7 FTEs are allocated to Strategy C.1.2, Warden Training Academy, and \$167,465 and 6.3 FTEs are allocated to Strategy C.1.1, Enforcement Programs, to reflect the training period for the 15.0 game wardens. Accordingly, in FY 2011 all game warden costs and FTEs are allocated to Strategy C.1.1, Enforcement Programs.

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 141,783,859	\$ 143,056,635
Other Personnel Costs	4,635,616	4,640,430
Professional Fees and Services	10,254,301	10,123,253
Fuels and Lubricants	8,285,999	8,402,058
Consumable Supplies	2,465,149	2,437,516
Utilities	11,114,054	11,270,671
Travel	3,804,712	3,799,912
Rent - Building	2,118,386	2,114,375
Rent - Machine and Other	2,046,608	2,055,208
Debt Service	7,497,102	7,424,676
Other Operating Expense	38,866,860	39,004,209
Grants	40,211,920	34,674,257
Capital Expenditures	<u>108,631,449</u>	<u>22,278,574</u>

**Total, Object-of-Expense Informational Listing** \$ 381,716,015    \$ 291,281,774

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 8,352,572	\$ 8,608,770
Group Insurance	25,496,607	28,046,492
Social Security	10,429,193	10,653,930
Benefits Replacement	<u>971,970</u>	<u>923,372</u>

Subtotal, Employee Benefits \$ 45,250,342    \$ 48,232,564

Debt Service

TPFA GO Bond Debt Service	\$ 11,910,973	\$ 9,878,663
Lease Payments	<u>55,375</u>	<u>52,203</u>

Subtotal, Debt Service \$ 11,966,348    \$ 9,930,866

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 57,216,690    \$ 58,163,430

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Parks and Wildlife Department. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Parks and Wildlife Department. In order to achieve the objectives and service standards established by this Act, the Parks and Wildlife Department shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: CONSERVE NATURAL RESOURCES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Private Land Acreage in Texas Managed to Enhance Wildlife	15.6%	16.2%
Percent of Fish and Wildlife Kills or Pollution Cases Resolved Successfully	80%	80%
<b>A.1.1. Strategy: WILDLIFE CONSERVATION</b>		
<b>Output (Volume):</b>		
Number of Wildlife Population and Harvest Surveys Conducted	2,954	2,954
<b>A.1.2. Strategy: TECHNICAL GUIDANCE</b>		
<b>Output (Volume):</b>		
Number of Active Management Agreements with Private Landowners	6,572	6,824
<b>A.2.2. Strategy: INLAND HATCHERIES OPERATIONS</b>		
<b>Output (Volume):</b>		
Number of Fingerlings Stocked - Inland Fisheries (in millions)	14.5	14.5
<b>A.2.3. Strategy: COASTAL FISHERIES MANAGEMENT</b>		
<b>Output (Volume):</b>		
Number of Commercial Fishing Licenses Bought Back	115	115
<b>A.2.4. Strategy: COASTAL HATCHERIES OPERATIONS</b>		
<b>Output (Volume):</b>		
Number of Fingerlings Stocked - Coastal Fisheries (in millions)	24	24



**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

**B. Goal: ACCESS TO STATE AND LOCAL PARKS**

**Outcome (Results/Impact):**

Percent of State Parks Maintenance and Minor Repair Needs Met	2.5%	2.6%
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**B.1.1. Strategy: STATE PARK OPERATIONS**

**Output (Volume):**

Number of State Parks in Operation	91	91
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**B.1.2. Strategy: PARKS MINOR REPAIR PROGRAM**

**Output (Volume):**

Number of State Park Minor Repair/Maintenance Needs Met	341	366
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**B.2.1. Strategy: LOCAL PARK GRANTS**

**Output (Volume):**

Number of Grant Assisted Projects Completed	36	39
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**C. Goal: INCREASE AWARENESS AND COMPLIANCE**

**Outcome (Results/Impact):**

Percent of Public Compliance with Agency Rules and Regulations	97	97
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**C.1.1. Strategy: ENFORCEMENT PROGRAMS**

**Output (Volume):**

Miles Patrolled in Vehicles (in millions) <sup>9</sup>	11.3	11.5
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Hours Patrolled in Boats <sup>9</sup>	134,000	136,000
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**C.2.1. Strategy: HUNTER AND BOATER EDUCATION**

**Output (Volume):**

Number of Students Trained in Hunter Education	29,000	29,000
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Number of Students Trained in Boater Education	7,500	7,500
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**C.3.1. Strategy: LICENSE ISSUANCE**

**Output (Volume):**

Number of Combination Licenses Sold	540,000	540,000
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**D. Goal: MANAGE CAPITAL PROGRAMS**

**Outcome (Results/Impact):**

Percent of Scheduled Major Repair/Construction Projects Completed	62%	62%
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**D.1.1. Strategy: IMPROVEMENTS AND MAJOR REPAIRS**

**Output (Volume):**

Number of Major Repair/Construction Projects Completed <sup>10</sup>	48	40
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2. **Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.

	2010	2011
a. Acquisition of Land and Other Real Property		
(1) Land Acquisition	\$ 11,416,191	\$ 2,150,000
	& UB	
Total, Acquisition of Land and Other Real Property	\$ 11,416,191	\$ 2,150,000
b. Construction of Buildings and Facilities		
(1) Construction and Major Repairs	17,581,189	11,745,190
(2) Construction and Major Repairs (08 Prop 8)	11,904,154	UB
	& UB	

<sup>9</sup> Incorporates Article IX, § 17.04, of this Act, relating to Border Security Operations, resulting in an increase of \$700,000 each fiscal year for 15.0 additional game wardens and \$125,000 each fiscal year for overtime and operational costs, from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099. In FY 2010, \$532,535 and 8.7 FTEs are allocated to Strategy C.1.2, Warden Training Academy, and \$167,465 and 6.3 FTEs are allocated to Strategy C.1.1, Enforcement Programs, to reflect the training period for the 15.0 game wardens. Accordingly, in FY 2011 all game warden costs and FTEs are allocated to Strategy C.1.1, Enforcement Programs.

<sup>10</sup> Incorporates the enactment of HB 4586, 81<sup>st</sup> Legislature, Regular Session, relating to making supplemental appropriations, resulting in an increase of \$14.0 million in funding for repairs of hurricane-related damages in FY 2009.

**PARKS AND WILDLIFE DEPARTMENT**

(Continued)

(3) Construction and Major Repairs (08 Prop 4)	21,128,023	UB
	& UB	
(4) Battleship TEXAS (08 Prop 4)	UB	UB
(5) Statewide Capital Repairs (10-11 Prop 4)	28,006,000	UB
 Total, Construction of Buildings and Facilities	 <u>\$ 78,619,366</u>	 <u>\$ 11,745,190</u>
 c. Repair or Rehabilitation of Buildings and Facilities		
(1) Parks Minor Repair Program	3,438,444	3,436,444
(2) State Park Weather Related Damages (10-11 Prop 4)	10,000,000	UB
 Total, Repair or Rehabilitation of Buildings and Facilities	 <u>\$ 13,438,444</u>	 <u>\$ 3,436,444</u>
 d. Acquisition of Information Resource Technologies		
(1) Mainframe upgrades, microcomputers, and other equipment	1,821,503	1,821,504
(2) Data Center Consolidation	4,202,077	4,086,539
 Total, Acquisition of Information Resource Technologies	 <u>\$ 6,023,580</u>	 <u>\$ 5,908,043</u>
 e. Transportation Items		
(1) Purchase of Vehicles	6,371,919	6,398,996
 Total, Transportation Items	 <u>\$ 6,371,919</u>	 <u>\$ 6,398,996</u>
 f. Acquisition of Capital Equipment and Items		
(1) Office, field, marine and lab equipment	1,689,439	1,609,354
 Total, Acquisition of Capital Equipment and Items	 <u>\$ 1,689,439</u>	 <u>\$ 1,609,354</u>
 g. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments to Master Lease Purchase Program	127,000	127,000
 Total, Other Lease Payments to the Master Lease Purchase Program (MLPP)	 <u>\$ 127,000</u>	 <u>\$ 127,000</u>
 Total, Capital Budget	 <u><u>\$ 117,685,939</u></u>	 <u><u>\$ 31,375,027</u></u>
 Method of Financing (Capital Budget):		
 <u>General Revenue Fund</u>		
General Revenue Fund	\$ 513,544	\$ 399,799
Sporting Goods Sales Tax - Transfer to State Parks Account No. 64	3,479,429	3,479,429
Sporting Goods Sales Tax - Transfer to Texas Parks and Recreation Account No. 467	0	28,000
Subtotal, General Revenue Fund	<u>\$ 3,992,973</u>	<u>\$ 3,907,228</u>
 <u>General Revenue Fund - Dedicated</u>		
Game, Fish and Water Safety Account No. 009	18,517,311	15,666,055
State Parks Account No. 064	18,767,054	9,415,716
Texas Parks and Wildlife Capital and Conservation Account No. 5004	110,169	110,169
Subtotal, General Revenue Fund - Dedicated	<u>\$ 37,394,534</u>	<u>\$ 25,191,940</u>
 Federal Funds	4,251,108	2,275,859
 <u>Other Funds</u>		
Appropriated Receipts	717,972	0

## PARKS AND WILDLIFE DEPARTMENT

(Continued)

Bond Proceeds - General Obligation Bonds	71,329,352	0
Subtotal, Other Funds	\$ 72,047,324	\$ 0
 Total, Method of Financing	 \$ 117,685,939	 \$ 31,375,027

3. **Appropriation: Escrow Accounts.** Included in the amounts appropriated above in Strategy A.1.1, Wildlife Conservation, Strategy A.2.1, Inland Fisheries Management, Strategy A.2.3, Coastal Fisheries Management, and Strategy B.1.1, State Park Operations are any unexpended balances as of August 31, 2009, and any revenue during the 2010-11 biennium (balances and revenues not to exceed \$1,009,473 in the Game, Fish, and Water Safety Account No. 9 and not to exceed \$40,210 in the State Parks Account No. 64), consisting of either principal or interest, from trust or escrow accounts set up to benefit the Texas Parks and Wildlife Department. Any unexpended balances and revenue remaining as of August 31, 2010, are appropriated for the same purpose for the fiscal year beginning September 1, 2010.
  
4. **Authorization: Purchase of Evidence.** From the amounts appropriated above, the Texas Parks and Wildlife Department is hereby authorized to establish a cash fund, for the purchase of evidence and/or information and surveillance deemed necessary by the department for enforcement of laws under the Parks and Wildlife Code, the Water Code and other statutes enforced by the department.
  
5. **Authorization: Acceptance of Payment with Goods and Services.** The Texas Parks and Wildlife Department is hereby authorized to accept goods and/or services in lieu of cash for sales of products or rights on the department's public land areas. These goods and services may be on the same public land area as the product or right sold or any other public land area. In order to procure the goods and services in the amounts needed that equal the value of products or rights sold, an escrow bank account may be utilized.
  
6. **Outreach Programs.** Out of amounts appropriated above in Strategy B.2.2, Boating Access and Other Grants, the department shall continue partnership projects by contracting at least \$1,250,000 in each fiscal year of the 2010-11 biennium in partnership programs for underserved populations. This provision shall not be construed as a limit on amounts that may be spent by TPWD on outreach program grants.
  
7. **Appropriation: Unexpended Balance for Construction Projects.** Included in amounts appropriated above in strategy D.1.1, Improvements and Major Repairs are unexpended balances from appropriations made for construction, repair, acquisition, and renovation projects and listed in the capital budget riders of Senate Bill No. 1, Acts of the Seventy-ninth Legislature, Regular Session and House Bill No. 1, Acts of the Eightieth Legislature, Regular Session. These unexpended balances are estimated to be \$38,273,591 out of the following funds as of August 31, 2009:

<u>General Revenue-Dedicated Accounts</u>		
Game, Fish, and Water Safety Account No. 9	\$	2,688,995
State Parks Account No. 64	\$	0
Texas Parks and Wildlife Conservation and Capital Account No. 5004	\$	0
 Federal Funds	 \$	 1,543,272
<u>Other Funds</u>		
Appropriated Receipts	\$	717,972
Bond Proceeds - General Obligation Bonds	\$	33,323,352

Unexpended balances remaining in such appropriation items at August 31, 2009, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2009. Unexpended balances of general obligation bond proceeds appropriated by the Eightieth Legislature to the Texas Parks and Wildlife Department (TPWD) are appropriated for the same purposes for the fiscal year beginning September 1, 2009, only if amounts have been approved under Article IX, Sec. 19.70 and Sec. 19.71 of House Bill 1, Eightieth Legislature, 2007. If prior to August 31, 2009, bond financing for the Battleship TEXAS project is approved under Article IX, Sec. 19.71, House Bill 1, Eightieth Legislature, 2007, TPWD shall file a report with the Legislative Budget Board, the Governor and the Battleship TEXAS Foundation within 30 days following November 30, February 28, May 31, and August 31 of each fiscal year showing the progress and costs of the project, including a repair schedule and the purpose for each expenditure. Unexpended balances

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

in General Revenue-Related accounts may not be carried forward from fiscal year 2009 to fiscal year 2010 without 45 days prior notification to the Legislative Budget Board and the Governor. Unexpended balances of General Revenue-Related appropriations under this provision are subject to the provisions of Government Code § 403.071 for the purposes of determining the life of an appropriation; therefore, the agency is not authorized to carry forward unexpended balances in General Revenue-Related accounts from fiscal year 2009 to fiscal year 2010 if the original appropriation for the project was made during or before fiscal year 2005. Any appropriation made in this Act to TPWD for construction and improvement projects shall include labor and all necessary costs involved in the project. The Texas Parks and Wildlife Department shall provide the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts a report by no later than December 1 of each fiscal year showing the progress and costs of all projects funded by General Revenue-Related appropriations made by the Seventy-ninth and the Eightieth Legislatures.

- 8. Construction and Land Owner Incentive Grants.** Any funds appropriated above in Strategies B.2.1, Local Park Grants and B.2.2, Boating Access and Other Grants that are utilized for grants awarded for local park construction projects in excess of \$20,000 and any funds appropriated above in Strategy A.1.2, Technical Guidance to private landowners and the general public that are utilized for landowner incentive grants shall be treated as construction appropriations for the purpose of determining the life of the appropriation under the provisions of § 403.071, Government Code. The Texas Parks and Wildlife Department shall provide the Governor and the Legislative Budget Board a status report at the close of each fiscal year showing the progress and costs for any grant for local park construction projects and landowner incentive grants not completed within two years of the date the grant was awarded. Any unexpended balances as of August 31, 2010 in funds appropriated above in Strategies B.2.1, Local Park Grants and B.2.2, Boating Access and Other Grants for local park grants are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.
- 9. Fund Transfer Authority.** The Texas Parks and Wildlife Department is hereby authorized to transfer funds between any funds/accounts authorized by the Parks and Wildlife Code in order to alleviate cash flow problems during the biennium. All funds transferred must be returned to the original fund/account before the end of the biennium.
- 10. Clothing Provision.** It is the intent of the Legislature that no funds may be expended to provide a clothing or cleaning allowance to any non-uniformed personnel. The Texas Parks and Wildlife Department may continue to expend funds for a cleaning allowance not to exceed \$500 per employee per year.
- 11. Lease Payments.** Included in amounts appropriated above in Strategy D.1.4, Debt Service are lease payments of \$4,847,927 in fiscal year 2010 and \$4,785,913 in fiscal year 2011 out of the General Revenue Fund which shall be transferred to the Texas Public Finance Authority for debt service payments on revenue bonds or other revenue obligations as authorized by § 13.0045, Parks and Wildlife Code. Also included in the amounts appropriated above in Strategy D.1.4, Debt Service are lease payments of \$2,649,175 in fiscal year 2010 and \$2,638,763 in fiscal year 2011 of the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 which shall be transferred to the Texas Public Finance Authority for debt service payments on revenue bonds or other obligations for the freshwater fish hatchery.
- 12. Appropriation: State-owned Housing Authorized.** The Texas Parks and Wildlife Department (TPWD) shall recover at least 20 percent of the established fair market rental value of housing from persons residing in state-owned housing first employed before September 1, 2005 and 100 percent of the established fair market rental value of housing from persons residing in state-owned housing employed on or after September 1, 2005. If the TPWD requires an employee to live on-site in state-owned housing as a condition of employment, then the TPWD shall recover at least 20 percent of the established market rental value of housing regardless of the date of employment. Additionally, the TPWD will report biennially to the Legislative Budget Board and the Governor, the race, gender, and ethnicity, position title and classification, and salary of employees that reside in state-owned housing.

Included in the amounts appropriated above is rental income collected from employee housing (estimated to be \$21,492 in Appropriated Receipts each fiscal year in Strategy A.1.1, Wildlife Conservation; estimated to be \$21,099 in Appropriated Receipts each fiscal year in Strategy A.2.2, Inland Hatcheries Operations; estimated to be \$6,106 in Appropriated Receipts each fiscal year in Strategy A.2.4, Coastal Hatcheries Operations; estimated to be \$1,949 in Appropriated Receipts each fiscal year in Strategy C.2.4, Outreach and Education; and, estimated to be \$261,822 in

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

Appropriated Receipts each fiscal year in Strategy B.1.2, Parks Minor Repair Program.) The recovered funds are appropriated to the TPWD for maintenance or replacement of employee housing.

Notwithstanding any other provision in this Act, the TPWD is hereby authorized to construct four new state-owned residences to provide 24-hour on-site supervision and maintenance for the new freshwater fish hatchery in East Texas (two residences) and for the new Texas Game Warden Academy in Hamilton County (two residences) at a cost not to exceed \$150,000 per residence.

Additionally, notwithstanding the provisions in Article IX of this Act, the TPWD is authorized to expend amounts in excess of \$25,000 per residence for the biennium as necessary to repair or replace state-owned housing, provided that the agency submits advanced notification to the Legislative Budget Board and the Governor.

**13. Indoor Recreational Facilities.** Out of amounts appropriated above and in compliance with the Texas Parks and Wildlife Code § 24.006, the Texas Parks and Wildlife Department (TPWD) shall use at least \$2,752,500 of the total amounts allocated for grants in Strategy B.2.1, Local Park Grants for the 2010-11 biennium to fund local grants for indoor recreation facilities. This provision shall not be construed as a limit on amounts that may be spent by TPWD on grants for indoor recreational facilities. Any unexpended balances of such appropriations on August 31, 2010, are appropriated for the same purpose for the fiscal year beginning September 1, 2010.

**14. Appropriation: License Plate Receipts.**<sup>11</sup> Included in amounts appropriated above in Strategies A.1.1, Wildlife Conservation, A.2.1, Inland Fisheries Management, A.2.3, Coastal Fisheries Management, and B.1.1, State Park Operations, are all balances and revenue collected on or after September 1, 2009 (estimated to be \$1,000,002 in the Texas Parks and Wildlife Conservation and Capital Account No. 5004; \$155,000 in Big Bend National Park Account No. 5030; \$68,000 in Waterfowl and Wetland Conservation License Plate Account No. 5057; \$48,000 in Texas Lions Camp License Plate Account No. 5116; \$61,000 in Marine Mammal Recovery License Plate Account No. 5120; \$0 in General Revenue associated with the sale of Texas PGA Junior Golf license plates; and \$49,200 in Marine Conservation License Plate Account No. 5142 over the biennium) from the sale of license plates, including any new license plates that the Texas Parks and Wildlife Department agrees to administer on behalf of a sponsoring organization, as provided by the Texas Transportation Code § 504.606 (Big Bend), § 504.627 (Waterfowl and Wetland), § 504.629 (Texas PGA Junior Golf), § 504.644 (Marine Mammal Recovery), § 504.656 (Texas Lions Camp), § 504.660 (Coastal Conservation Association Texas) and § 504.801 (other private nonprofit organizations).

License plate balances and receipts in subaccounts of the Texas Parks and Wildlife Conservation and Capital Account No. 5004 are estimated to be \$568,734 for Horned Toad specialty plates; \$220,338 for Bluebonnet specialty plates; \$125,832 for Whitetail Deer specialty plates; and \$85,098 for Largemouth Bass specialty plates for a total of \$1,000,002 noted above.

**15. Appropriation of Certain Concession Receipts.** Concession receipts generated as a result of the efforts of volunteer groups in state parks or other agency facilities are included in amounts appropriated above to Strategy B.1.1, State Park Operations (estimated to be \$0 in Appropriated Receipts for the biennium beginning September 1, 2009), and Strategy A.2.4, Coastal Hatcheries Operations (estimated to be \$100,000 in Appropriated Receipts for the biennium beginning September 1, 2009). These concession receipts shall be credited for the benefit of the specific state park or other agency facility where the funds are generated by volunteer groups. Concession receipts generated as a result of the efforts of department employees or leased concession contracts with third parties are appropriated in the strategies above and are not subject to this rider.

**16. Payments to License Agents.** Included in amounts appropriated above in Strategy C.3.1, License Issuance, are amounts necessary for payments to license agents (estimated to be \$3,657,000 in each fiscal year out of the Game, Fish and Water Safety Account No. 9). Such amounts shall be used for the sole purpose of payments to license agents for the costs of issuing and collecting money associated with the sale of licenses, stamp endorsements, permits, tags and other similar items issued under the Parks and Wildlife Code.

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<sup>11</sup> Incorporates Article IX, § 17.45, of this Act, due to the enactment of HB 1749, 81<sup>st</sup> Legislature, Regular Session, relating to issuance of marine conservation specialty license plates, resulting in an increase of \$24,600 each fiscal year from the General Revenue-Dedicated Marine Conservation License Plate Account No. 5142.

## PARKS AND WILDLIFE DEPARTMENT

(Continued)

- 17. Capital Budget Expenditures from Federal and Other Funding Sources.** The Texas Parks and Wildlife Department (TPWD) is hereby exempted from the capital budget rider provisions contained in Article IX of this Act when gifts, grants, inter-local funds and federal funds are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or federal agency solely for construction and repairs, or purchase of specific capital items.

Additionally, the TPWD is hereby exempted from the capital budget rider provisions when pass through funds to local entities are received in excess of the amounts identified in the agency's capital budget rider and such funds are designated by the donor, grantor or federal agency solely for the acquisition of land. This provision does not exempt the TPWD from capital budget rider provisions for state land acquisition.

Amounts expended from these funding sources shall not count towards the limitation imposed by capital budget provisions elsewhere in this Act. The TPWD shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and the items to be purchased.

- 18. Appropriation: Land Sale Proceeds.** Included in amounts appropriated above in Strategy D.1.1, Improvements and Major Repairs, and D.1.2, Land Acquisition, are all balances as of August 31, 2009, and all proceeds collected on or after September 1, 2009 (balances and revenues estimated to be \$0 in Appropriated Receipts) from the sale of Texas Parks and Wildlife Department (TPWD) lands, including the sale of land identified as underutilized and sold by the General Land Office. In accordance with Parks and Wildlife Code § 13.009, the balances and proceeds from the sale of these lands may be used only to improve or acquire other real property dedicated to the same purpose for which the land sold was dedicated. Any unexpended balances and revenue remaining as of August 31, 2010, are appropriated for the same purpose for the fiscal year beginning September 1, 2010.
- 19. Collection and Reporting of Major Equipment Usage Statistics.** Out of funds appropriated above, the Texas Parks and Wildlife Department (TPWD) shall collect usage statistics on all major equipment maintained and operated by TPWD. Major equipment includes such items as dump trucks, mowers, tractors, graders, or other, non-personal transportation, major construction or grounds maintenance equipment used in the operation of the state parks system. The department shall collect, at minimum, the actual hours of operation of each piece of equipment and the geographical distribution of the equipment during the fiscal year studied, but shall also include other usage statistics necessary to determine the actual major equipment needs of the state parks system, including explicit justification for idle equipment. The department shall report the findings of major equipment usage to the Legislative Budget Board and the Governor no later than October 1 of each fiscal year for the preceding fiscal year.
- 20. Fish and Shellfish Consumption Advisories.** Out of the amounts appropriated above in Strategies A.2.1, Inland Fisheries Management and A.2.3, Coastal Fisheries Management the Texas Parks and Wildlife Department shall use \$20,000 each fiscal year from the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, to post signs at those water bodies for which the Seafood and Aquatic Life Group of the Texas Department of State Health Services has advisories and bans from consumption of contaminated fish or shellfish.
- 21. Border Security.**<sup>12</sup> Included in amounts appropriated above out of the General Revenue Fund is \$1,062,596 and 15.0 FTEs each fiscal year in Strategy C.1.1, Enforcement Programs; and, out of the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 is \$292,465 and 6.3 additional FTEs in fiscal year 2010 and \$825,000 and 15.0 additional FTEs in fiscal year 2011 in Strategy C.1.1, Enforcement Programs and \$532,535 and 8.7 FTEs in fiscal year 2010 in Strategy C.1.2, Warden Training Academy for the purposes of enhancing border security.
- 22. Proceeds from Sale of Eagle Mountain Lake.** Included in amounts appropriated above in Strategy D.1.2, Land Acquisition is any unexpended receipts from the sale of Eagle Mountain Lake State Park (estimated to be \$9,266,191 from the State Parks Account No. 64). In accordance

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<sup>12</sup> Incorporates Article IX, § 17.04, of this Act, relating to Border Security Operations, resulting in an increase of \$700,000 each fiscal year for 15.0 additional game wardens and \$125,000 each fiscal year for overtime and operational costs, from the General Revenue-Dedicated Operators and Chauffeurs License Account No. 099. In FY 2010, \$532,535 and 8.7 FTEs are allocated to Strategy C.1.2, Warden Training Academy, and \$167,465 and 6.3 FTEs are allocated to Strategy C.1.1, Enforcement Programs, to reflect the training period for the 15.0 game wardens. Accordingly, in FY 2011 all game warden costs and FTEs are allocated to Strategy C.1.1, Enforcement Programs.

## PARKS AND WILDLIFE DEPARTMENT

(Continued)

with Parks and Wildlife Code § 13.009, the balances and proceeds from the sale of Eagle Mountain Lake State Park may be used only to improve or acquire other real property dedicated to the same purpose for which the land sold was dedicated. TPWD may not use receipts under this provision for park land acquisition or improvements unless the Legislative Budget Board approves the proposed purchase or improvements. Additionally, subject to LBB approval, these amounts may be spent out of Strategy D.1.2, Land Acquisition or Strategy D.1.1, Improvements and Major Repairs. Any transfer of these amounts between Strategy D.1.2, Land Acquisition and Strategy D.1.1, Improvements and Major Repairs, is not subject to transferability provisions in Article IX, Sec. 14.01.

23. **Internal Audit Division.** Out of funds appropriated above, the department shall maintain 8.0 auditor positions in the Internal Audit Division. The department shall maintain an internal auditing program in compliance with the provisions of the Texas Internal Auditing Act. Each internal auditor assigned pursuant to this provision shall report either directly to the members of the Texas Parks and Wildlife Commission or to the internal auditor appointed pursuant to Government Code § 2102.006.
24. **Coastal Erosion Interagency Contract.** Out of funds appropriated above in Strategy D.1.1, Improvements and Repairs, the Texas Parks and Wildlife Department shall use \$12,596,804 each fiscal year out of the Sporting Goods Sales Tax transfer to the State Parks Account No. 64 to contract with the General Land Office for coastal erosion projects.
25. **Statewide Aquatic Vegetation Management.** Out of the funds appropriated above in Strategy A.2.1, Inland Fisheries Management, \$750,000 in each fiscal year from General Revenue, \$263,346 in each fiscal year from the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, and \$156,654 in each fiscal year from federal funds and 5.0 FTEs shall be used to maintain boat lanes, general access, and outdoor recreational activities, and to improve fish and wildlife habitat on water bodies statewide. From these amounts, \$100,000 in each fiscal year shall be used for clearance and maintenance of boat lanes at Caddo Lake. Any unexpended balances of these amounts as of August 31, 2010 are hereby appropriated for the same purpose in the fiscal 2010 year beginning September 1, 2010. Use of the federal funds referenced above is contingent upon receipt of a federal boating access grant under the Sportfish Restoration Act by the Texas Parks and Wildlife Department.
26. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Texas Parks and Wildlife Department are made contingent on the continuation of the Texas Parks and Wildlife Department by the Eighty-First Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010, or as much thereof as may be necessary, are to be used to provide for the phase out of agency operations.
27. **Appropriation of Receipts out of the General Revenue-Dedicated Accounts.** For the biennium beginning September 1, 2009, the Texas Parks and Wildlife Department (TPWD) is hereby appropriated any additional revenues that are certified by a Comptroller's finding of fact and are in excess of the amounts reflected in the Comptroller's Biennial Revenue Estimate for each year of the biennium (not to exceed \$5,083,664 in fiscal year 2010 and \$6,245,228 in fiscal year 2011 or \$11,328,892 million for the biennium in the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, and an amount not to exceed \$386,000 each fiscal year or \$772,000 for the biennium in the General Revenue-Dedicated State Parks Account No. 64 and included in amounts appropriated above) to address salary and equity compensation issues for staff in wildlife, fishery, law enforcement and support divisions in amounts not to exceed 12 percent from 2009 budgeted levels and for seasonal staff in state parks (21.0 FTEs per fiscal year). In the event the Comptroller certifies the additional revenue of \$11,328,892 from the Game, Fish and Water Safety Account No. 9, the employees provided pay raises from these amounts are excluded from any state employee pay increases or bonuses authorized in Article IX of this Act.

The following is a listing of these amounts by strategy.

	For the Years Ending	
	August 31, 2010	August 31, 2011
A.1.1, Wildlife Conservation	\$1,859,367	\$2,227,276
A.1.2, Technical Guidance	\$57,175	\$64,010
A.1.3, Hunting and Wildlife Recreation	\$58,626	\$66,266
A.2.1, Inland Fisheries Management	\$923,003	\$1,138,318

**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

A.2.2, Inland Hatcheries Operations	\$191,677	\$229,795
A.2.3, Coastal Fisheries Management	\$906,642	\$1,118,946
A.2.4, Coastal Hatcheries Operations	\$118,238	\$140,469
B.1.1, State Park Operations	\$386,000	\$386,000
C.1.1, Enforcement Programs	\$152,617	\$211,316
C.1.2, Game Warden Training Academy	\$45,911	\$68,866
C.1.3, Law Enforcement Support	\$44,571	\$61,446
C.2.1, Hunter and Boater Education	\$25,743	\$35,290
C.2.2, Texas Parks and Wildlife Magazine	\$14,852	\$18,353
C.2.3, Communication Products and Services	\$50,967	\$68,037
C.2.4, Outreach and Education Programs	\$37,059	\$48,560
C.3.1, Hunting and Fishing License Issuance	\$26,055	\$32,662
C.3.2, Boat Registration and Titling	\$40,283	\$52,612
D.1.1, Improvements and Major Repairs	\$74,149	\$86,858
D.1.2, Land Acquisition	\$3,288	\$4,933
D.1.3, Infrastructure Administration	\$68,645	\$79,086
E.1.1, Central Administration	\$167,258	\$219,103
E.1.2, Information Resources	\$130,138	\$164,251
E.1.3, Other Support Services	\$87,400	\$108,775
 Total	 \$5,469,664	 \$6,631,228

Each year, the TPWD shall notify the Comptroller of Public Accounts, the Legislative Budget Board, and the Governor of the amount that the department projects will be received in excess of the amount contained in the Comptroller's Biennial Revenue Estimate for each of the department's General Revenue-Dedicated accounts along with sufficient information to reflect how that estimate was determined. If the Comptroller finds the information sufficient to support the projection of additional revenues, a finding of fact to that effect shall be issued to reflect the additional revenue available for each General Revenue-Dedicated account.

- 28. Informational Listing - Appropriation of Sporting Goods Sales Tax (SGST).<sup>13</sup>**  
Included in amounts appropriated in this Act are \$86,413,029 in fiscal year 2010 and \$77,011,082 in fiscal year 2011, or \$163,424,111 for the 2010-11 biennium, in sales tax receipts deposited to the General Revenue Fund estimated to be generated by sales of sporting goods items.

The following is an informational listing of Sporting Goods Sales Tax (SGST) receipts appropriated in this Act by agency, account and strategy.

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
<b>Article I</b>		
Texas Historical Commission (THC)		
General Revenue (Sporting Goods Sales Tax)		
A.1.6, Historic Sites	\$6,874,920	\$6,874,920
A.2.1, Development Assistance	<u>\$356,000</u>	<u>\$356,000</u>
Subtotal	\$7,230,920	\$7,230,920
 <b>Article VI</b>		
Texas Parks and Wildlife Department (TPWD)		
SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64		
B.1.1, State Park Operations	\$38,552,323	\$35,730,622
B.1.2, Parks Minor Repair Program	\$3,329,429	\$3,329,429
B.1.3, Parks Support	\$388,986	\$388,986
D.1.1, Improvements and Major Repairs	\$12,600,304	\$12,600,304
D.1.2, Land Acquisition	\$150,000	\$150,000

<sup>13</sup> Incorporates changes due to the enactment of HB 4583, 81<sup>st</sup> Legislature, Regular Session, relating to the creation and re-creation of funds and accounts in the state treasury, resulting in an increase of \$10,641,084 in FY 2010 and \$5,138,916 in FY 2011 from the new Sporting Goods Sales Tax (SGST) transfer to the General Revenue-Dedicated Large County and Municipality Recreation and Parks Account No. 5145, offset by a corresponding decrease in the SGST transfer to the General Revenue-Dedicated Texas Recreation and Parks Account No. 467.



**PARKS AND WILDLIFE DEPARTMENT**  
(Continued)

D.1.3, Infrastructure Administration	<u>\$427,376</u>	<u>\$427,376</u>
Subtotal	\$55,448,418	\$52,626,717
SGST Transfer to the Texas Recreation and Parks Account No. 467		
B.1.2, Local Park Grants	\$6,887,046	\$6,885,420
B.2.2, Boating Access and Other Grants	<u>\$821,870</u>	<u>\$825,664</u>
Subtotal	\$7,708,916	\$7,711,084
SGST Transfer to the Texas Capital and Conservation Account No. 5004		
D.1.3, Infrastructure Administration	\$1,077,000	\$1,077,000
SGST Transfer to the Large County and Municipality Recreation and Parks Account No. 5145		
B.1.2, Local Park Grants	\$10,091,364	\$4,590,280
B.2.2, Boating Access and Other Grants	<u>\$549,720</u>	<u>\$548,636</u>
Subtotal	\$10,641,084	\$5,138,916
Texas Public Finance Authority		
SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64		
A.1.1, Bond Debt Service Payments	\$4,306,691	\$3,226,445

In addition to the amounts listed above, an estimated \$6,258,553 in fiscal year 2010 and \$5,457,626 in fiscal year 2011 or \$11,716,179 for the 2010-11 biennium from the General Revenue-Dedicated State Parks Account No. 64, Texas Recreation and Parks Account No. 467, and the Parks and Wildlife Conservation and Capital Account No. 5004 to pay benefits for TPWD employees funded by SGST receipts.

- 29. Parks Minor Repair Program.** Notwithstanding capital budget provisions included elsewhere in this Act, appropriations for Strategy B.1.2, Parks Minor Repair Program which are included in the capital budget rider are limited to the appropriation year plus two years as provided under Government Code §403.071 and the Texas Parks and Wildlife Department is not authorized to carry forward any unexpended balances of such appropriations between biennia.
- 30. Appropriation of Receipts: Off-Highway Vehicle Trail and Recreational Area Program.** The Texas Parks and Wildlife Department is appropriated all receipts collected pursuant to the Parks and Wildlife Code, Chapter 29 for the purpose of implementing and administering the department's Off-Highway Vehicle Trail and Recreational Area Program. Amounts appropriated pursuant to this provision are included above in Strategy Item B.2.2, Boating Access and Other Grants, and are identified above in the method of finance as General Revenue in an estimated amount of \$368,000 in fiscal year 2010 (including unexpended balances of \$183,000 as of August 31, 2009 and revenues of \$185,000 in fiscal year 2010) and \$204,000 in fiscal year 2011 for a total of \$572,000 for the biennium.
- 31. Appropriation Authority for General Obligation Bond Proceeds.<sup>14</sup>** Appropriated above in Strategy D.1.1, Improvements and Major Repairs, is \$38,006,000 in fiscal year 2010 in general obligation bond proceeds for projects for the Texas Parks and Wildlife Department (TPWD) as described in Article IX, Sec. 17.11, Informational Listing General Obligation Bond Proceeds. These amounts include \$10,000,000 in fiscal year 2010 for weather related repairs at Mother Neff State Park, Palo Duro Canyon State Park, and Government Canyon State Natural Area.

All projects funded herein with general obligation bond proceeds are subject to approval by the Legislative Budget Board prior to issuance of the bond proceeds by the Texas Public Finance Authority. Any unexpended and unobligated balances in general obligation bond proceeds described herein and remaining as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010 for the same purposes.

- 32. Local Park Grant for Bexar County Special Needs Park.** From funds appropriated above in Strategy B.2.1, Local Park Grants, the Texas Parks and Wildlife Department shall allocate up to

<sup>14</sup> Modified to correct reference error.

## PARKS AND WILDLIFE DEPARTMENT

(Continued)

\$5,500,000 of matching funds for the acquisition, development, and construction for a Bexar County Special Needs Park for disabled children. Any unexpended balances as of August 31, 2010 in funds allocated are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.

- 33. Game Warden Academy.** Cadets participating in the Texas Game Warden Academy of the Parks and Wildlife Department shall not be counted toward the limit on the number of full-time equivalent positions (FTEs) for the department until their graduation. On graduation, the additional officers shall not cause the department to exceed the department's limit on FTEs. The number of participants in the Game Warden Academy must be included in all required reports concerning FTEs and vacancies, but the cadets shall be reported as a separate total from the other FTEs of the department.
- 34. Franklin Mountains State Park Visitor Center.** Out of amounts appropriated above in Strategy D.1.1, Improvements and Major Repairs, the Texas Parks and Wildlife Department is directed to prepare a report which examines the feasibility of developing a Visitor Center at Franklin Mountains State Parks. This study should take into consideration the following factors: (a) whether or not the Visitor Center meets any of the agency's capital project priorities; (b) the cost of developing and constructing the Visitor Center; and (c) the potential effect of the Visitor Center on visitation to Franklin Mountains State Park and park visitation revenue. The study should be completed and submitted to the Eighty-second Legislature no later than January 25, 2011.
- 35. Local Park Grant for Missouri City.** From funds appropriated above in Strategy B.2.1, Local Park Grants, the Texas Parks and Wildlife Department shall allocate up to \$1,000,000 of matching funds for a local park grant to the City of Missouri City. Any unexpended balances as of August 31, 2010 in funds allocated are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.

## RAILROAD COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1, 2</sup>	\$ 30,155,281	\$ 29,631,691
<u>General Revenue Fund - Dedicated</u>		
Alternative Fuels Research and Education Account No. 101	2,149,215	2,149,215
Oil Field Cleanup Account No. 145 <sup>3, 4, 5</sup>	30,031,732	31,114,628
Subtotal, General Revenue Fund - Dedicated	\$ 32,180,947	\$ 33,263,843

<sup>1</sup> Incorporates contingency appropriations for Article IX, § 17.109, of this Act and passage of SB 1387 by the 81<sup>st</sup> Legislature, Regular Session, relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide, providing additional General Revenue of \$75,431 in FY 2010 and \$73,421 in FY 2011.

<sup>2</sup> Incorporates passage of SB 1658, 81<sup>st</sup> Legislature, Regular Session, which increases the maximum pipeline safety inspection fee, and the contingency appropriation of \$653,590 in FY 2010 and \$533,825 in FY 2011 out of the General Revenue Fund and \$333,829 in FY 2010 and \$285,626 in FY 2011 in Federal Funds, increases the agency's FTE cap by 13.5 FTEs in each fiscal year of the 2010-11 biennium, and increases performance targets as prescribed in Rider 14, Contingency Appropriation for Pipeline Safety Fees.

<sup>3</sup> Strategy amounts include appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of: \$386,787 in FY 2010 and \$376,075 in FY 2011 and 10.0 FTEs in Strategy A.1.1, Energy Resource Development; and \$604,975 in FY 2010 and \$541,180 in FY 2011 and 11.0 FTEs in Strategy C.1.1, Oil and Gas Monitoring and Inspections, to incorporate appropriations contingent upon revenues to the Oil Field Cleanup Account No. 145 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 to increase staffing in the oil and gas field operations and technical permitting programs as prescribed in Rider 7, Unexpended Balance and Estimated Appropriation Authority for the Oil Field Cleanup Account.

<sup>4</sup> Incorporates contingency appropriations for Article IX, § 17.54, of this Act and passage of HB 2259, by the 81<sup>st</sup> Legislature, Regular Session, relating to the plugging of certain inactive oil or gas wells, providing additional appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of \$251,804 in FY 2010 and \$1,661,229 in FY 2011.

<sup>5</sup> Incorporates contingency appropriations for Article IX, § 17.34, of this Act and passage of HB 472, by the 81<sup>st</sup> Legislature, Regular Session, relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination, providing additional appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of \$202,500 in FY 2010.

**RAILROAD COMMISSION**  
(Continued)

<u>Federal Funds</u>		
Land Reclamation Fund No. 454	161,907	161,907
Federal Funds	6,883,842	6,832,624
Subtotal, Federal Funds	<u>\$ 7,045,749</u>	<u>\$ 6,994,531</u>
<u>Other Funds</u>		
Appropriated Receipts	1,927,296	1,927,296
Interagency Contracts	152,194	152,194
Subtotal, Other Funds	<u>\$ 2,079,490</u>	<u>\$ 2,079,490</u>
<b>Total, Method of Financing</b>	<u>\$ 71,461,467</u>	<u>\$ 71,969,555</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,054,840	\$ 1,092,325
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>6, 7</sup></b>	743.6	743.6
<b>Schedule of Exempt Positions:</b>		
Railroad Commissioner, Group 6	(3) \$137,500	(3) \$137,500
<b>Items of Appropriation:</b>		
<b>A. Goal: ENERGY RESOURCES</b>		
Support Lignite, Oil, and Gas Resource Development.		
<b>A.1.1. Strategy: ENERGY RESOURCE DEVELOPMENT<sup>7, 8</sup></b>	\$ 6,564,927	\$ 6,475,316
Promote Energy Resource Development Opportunities.		
<b>A.2.1. Strategy: GAS UTILITY COMPLIANCE</b>	\$ 1,964,829	\$ 1,942,033
Ensure Fair Rates and Compliance to Rate Structures.		
<b>A.2.2. Strategy: PROMOTE LP GAS USAGE</b>	<u>\$ 3,420,735</u>	<u>\$ 3,402,294</u>
<b>Total, Goal A: ENERGY RESOURCES</b>	<u>\$ 11,950,491</u>	<u>\$ 11,819,643</u>
<b>B. Goal: SAFETY PROGRAMS</b>		
Advance Safety Through Training, Monitoring, and Enforcement.		
<b>B.1.1. Strategy: PIPELINE AND LP GAS SAFETY<sup>6</sup></b>	\$ 6,700,545	\$ 6,476,231
Ensure Pipeline and LPG/CNG/LNG Safety.		
<b>C. Goal: ENVIRONMENTAL PROTECTION</b>		
Minimize Harmful Effects of Fossil Fuel Production.		
<b>C.1.1. Strategy: OIL/GAS MONITOR &amp; INSPECTIONS<sup>7</sup></b>	\$ 14,633,578	\$ 14,433,505
Oil and Gas Monitoring and Inspections.		
<b>C.1.2. Strategy: SURFACE MINING MONITORING/INSPECT</b>	\$ 3,421,239	\$ 3,386,438
Surface Mining Monitoring and Inspections.		

<sup>6</sup> Incorporates passage of SB 1658, 81<sup>st</sup> Legislature, Regular Session, which increases the maximum pipeline safety inspection fee, and the contingency appropriation of \$653,590 in FY 2010 and \$533,825 in FY 2011 out of the General Revenue Fund and \$333,829 in FY 2010 and \$285,626 in FY 2011 in Federal Funds, increases the agency's FTE cap by 13.5 FTEs in each fiscal year of the 2010-11 biennium, and increases performance targets as prescribed in Rider 14, Contingency Appropriation for Pipeline Safety Fees.

<sup>7</sup> Strategy amounts include appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of: \$386,787 in FY 2010 and \$376,075 in FY 2011 and 10.0 FTEs in Strategy A.1.1, Energy Resource Development; and \$604,975 in FY 2010 and \$541,180 in FY 2011 and 11.0 FTEs in Strategy C.1.1, Oil and Gas Monitoring and Inspections, to incorporate appropriations contingent upon revenues to the Oil Field Cleanup Account No. 145 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 to increase staffing in the oil and gas field operations and technical permitting programs as prescribed in Rider 7, Unexpended Balance and Estimated Appropriation Authority for the Oil Field Cleanup Account.

<sup>8</sup> Incorporates contingency appropriations for Article IX, § 17.109, of this Act and passage of SB 1387 by the 81<sup>st</sup> Legislature, Regular Session, relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide, providing additional General Revenue of \$75,431 in FY 2010 and \$73,421 in FY 2011.

**RAILROAD COMMISSION**  
(Continued)

<b>C.2.1. Strategy:</b> OIL AND GAS REMEDIATION <sup>9</sup>	\$ 5,800,627	\$ 5,570,658
<b>C.2.2. Strategy:</b> OIL AND GAS WELL PLUGGING <sup>10</sup>	\$ 23,130,047	\$ 24,487,836
<b>C.2.3. Strategy:</b> SURFACE MINING RECLAMATION	<u>\$ 3,296,878</u>	<u>\$ 3,294,766</u>
<b>Total, Goal C:</b> ENVIRONMENTAL PROTECTION	<u>\$ 50,282,369</u>	<u>\$ 51,173,203</u>

**D. Goal:** PUBLIC ACCESS TO INFO AND SERVICES

Public Access to Information and Services.

<b>D.1.1. Strategy:</b> GIS AND WELL MAPPING Geographic Information Systems and Well Mapping.	\$ 573,615	\$ 570,447
<b>D.1.2. Strategy:</b> PUBLIC INFORMATION AND SERVICES	<u>\$ 1,954,447</u>	<u>\$ 1,930,031</u>
<b>Total, Goal D:</b> PUBLIC ACCESS TO INFO AND SERVICES	<u>\$ 2,528,062</u>	<u>\$ 2,500,478</u>

<b>Grand Total, RAILROAD COMMISSION</b>	<u>\$ 71,461,467</u>	<u>\$ 71,969,555</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 36,728,428	\$ 36,728,428
Other Personnel Costs	994,079	994,079
Professional Fees and Services	6,586,109	6,113,557
Fuels and Lubricants	1,046,543	1,046,543
Consumable Supplies	267,440	266,617
Utilities	189,923	188,968
Travel	544,390	544,390
Rent - Building	382,240	380,106
Rent - Machine and Other	223,223	221,189
Other Operating Expense	23,364,683	24,776,545
Capital Expenditures	<u>1,134,409</u>	<u>709,133</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 71,461,467</u>	<u>\$ 71,969,555</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 2,132,391	\$ 2,164,377
Group Insurance	6,128,392	6,665,762
Social Security	2,566,006	2,604,496
Benefits Replacement	<u>277,080</u>	<u>263,226</u>
Subtotal, Employee Benefits	<u>\$ 11,103,869</u>	<u>\$ 11,697,861</u>

Debt Service

Lease Payments	<u>\$ 142,472</u>	<u>\$ 129,699</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 11,246,341</u>	<u>\$ 11,827,560</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Railroad Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Railroad Commission. In order to achieve the objectives and service standards established by this Act, the Railroad Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> ENERGY RESOURCES		
<b>Outcome (Results/Impact):</b>		
Percent of Oil and Gas Wells That Are Active	73%	73%

<sup>9</sup> Incorporates contingency appropriations for Article IX, § 17.54, of this Act and passage of HB 2259, by the 81<sup>st</sup> Legislature, Regular Session, relating to the plugging of certain inactive oil or gas wells, providing additional appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of \$251,804 in FY 2010 and \$1,661,229 in FY 2011.

<sup>10</sup> Incorporates contingency appropriations for Article IX, § 17.34, of this Act and passage of HB 472, by the 81<sup>st</sup> Legislature, Regular Session, relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination, providing additional appropriations out of the General Revenue-Dedicated Oil Field Cleanup Account No. 145 of \$202,500 in FY 2010.

**RAILROAD COMMISSION**  
(Continued)

<b>A.1.1. Strategy: ENERGY RESOURCE DEVELOPMENT</b>		
<b>Output (Volume):</b>		
Number of Drilling Permit Applications Processed	27,900	29,500
Number of Wells Monitored	375,000	375,000
<b>Efficiencies:</b>		
Average Number of Wells Monitored Per Analyst	28,846	28,846
<b>A.2.1. Strategy: GAS UTILITY COMPLIANCE</b>		
<b>Output (Volume):</b>		
Number of Gas Utility Dockets Filed	80	80
<b>A.2.2. Strategy: PROMOTE LP GAS USAGE</b>		
<b>Output (Volume):</b>		
Number of Rebate and Incentive Applications Handled	3,351	3,351
<b>Efficiencies:</b>		
Administrative Costs as a Percentage of Alternative Fuels Research and Education Account Fee Revenue	18.6%	18.6%
<b>Explanatory:</b>		
Number of Alternative Fuel Vehicles in Texas	107,898	125,664
 <b>B. Goal: SAFETY PROGRAMS</b>		
<b>Outcome (Results/Impact):</b>		
Average Number of Pipeline Safety Violations Per Equivalent 100 Miles of Pipe Identified through Inspections	3.5	3.5
<b>B.1.1. Strategy: PIPELINE AND LP GAS SAFETY</b>		
<b>Output (Volume):</b>		
Number of Pipeline Safety Inspections Performed <sup>11</sup>	2,500	2,750
Number of LPG/LNG/CNG Safety Inspections Performed <sup>11</sup>	13,500	14,400
Number of Third Party Damage Enforcement Cases Completed <sup>11</sup>	5,000	8,000
<b>Efficiencies:</b>		
Average Number of Pipeline Field Inspections Per Field Inspector	110	110
 <b>C. Goal: ENVIRONMENTAL PROTECTION</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Oil and Gas Facility Inspections That Identify Environmental Violations	18%	17%
Percentage of Known Orphaned Wells Plugged with the Use of State-Managed Funds	24.6%	29.1%
<b>C.1.1. Strategy: OIL/GAS MONITOR &amp; INSPECTIONS</b>		
<b>Output (Volume):</b>		
Number of Oil and Gas Facility Inspections Performed	108,000	108,000
Number of Oil and Gas Environmental Permit Applications and Reports Processed	96,500	99,000
<b>Efficiencies:</b>		
Average Number of Oil and Gas Facility Inspections Performed Per District Office Staff	900	900
<b>Explanatory:</b>		
Number of Oil and Gas Wells and Other Related Facilities Subject to Regulation	389,274	389,523
<b>C.1.2. Strategy: SURFACE MINING MONITORING/INSPECT</b>		
<b>Output (Volume):</b>		
Number of Coal Mining Inspections Performed	450	450
<b>C.2.1. Strategy: OIL AND GAS REMEDIATION</b>		
<b>Output (Volume):</b>		
Number of Abandoned Pollution Sites Investigated, Assessed, or Cleaned Up with the Use of State-Managed Funds	203	203
<b>C.2.2. Strategy: OIL AND GAS WELL PLUGGING</b>		
<b>Output (Volume):</b>		
Number of Orphaned Wells Plugged with the Use of State-Managed Funds	1,400	1,400
Total Aggregate Plugging Depth of Orphaned Wells Plugged with the Use of State Managed Funds (in Linear Feet)	3,057,600	3,057,600

<sup>11</sup> Incorporates passage of SB 1658, 81<sup>st</sup> Legislature, Regular Session, which increases the maximum pipeline safety inspection fee, and the contingency appropriation of \$653,590 in FY 2010 and \$533,825 in FY 2011 out of the General Revenue Fund and \$333,829 in FY 2010 and \$285,626 in FY 2011 in Federal Funds, increases the agency's FTE cap by 13.5 FTEs in each fiscal year of the 2010-11 biennium, and increases performance targets as prescribed in Rider 14, Contingency Appropriation for Pipeline Safety Fees.

**RAILROAD COMMISSION**  
(Continued)

**D. Goal: PUBLIC ACCESS TO INFO AND SERVICES**  
**D.1.2. Strategy: PUBLIC INFORMATION AND SERVICES**  
**Output (Volume):**

Number of Documents Provided to Customers by Information Services	892,000	847,000
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- 2. Capital Budget.** Funds appropriated above may be expended for capital budget items listed below. The amounts identified for each item may be adjusted or expended on other capital expenditures, subject to the aggregate dollar restrictions on capital budget expenditures provided in the General Provisions of this Act.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Infrastructure Upgrade	\$ 199,755	\$ 0
(2) Data Center Services (DCS) Department of Information Resources (DIR) Projection	2,790,130	2,520,077
(3) District Field Operations Reporting & Management System (DFORMS)	240,068	240,068
(4) Personal Computer (PC) Refresh	\$ 147,455	\$ 147,455
 Total, Acquisition of Information Resource Technologies	 \$ 3,377,408	 \$ 2,907,600
b. Transportation Items		
(1) Vehicle Replacements	\$ 540,194	\$ 561,678
 Total, Capital Budget	 \$ 3,917,602	 \$ 3,469,278

Method of Financing (Capital Budget):

General Revenue Fund	\$ 3,369,742	\$ 2,921,418
<u>General Revenue Fund - Dedicated</u>		
Alternative Fuels Research and Education		
Account No. 101	62,085	62,085
Oil Field Cleanup Account No. 145	442,227	442,227
Subtotal, General Revenue Fund - Dedicated	\$ 504,312	\$ 504,312
<u>Other Funds</u>		
Appropriated Receipts	43,548	43,548
 Total, Method of Financing	 \$ 3,917,602	 \$ 3,469,278

- 3. Unexpended Balance and Estimated Appropriation Authority: Alternative Fuels Research and Education Account.** Included in amounts appropriated above in Strategy A.2.2, Promote LP Gas Usage, in fiscal year 2010 are balances remaining in the Alternative Fuels Research and Education (AFRED) Account No. 101 as of August 31, 2009 (not to exceed \$1,030,660) to be used during the biennium beginning on September 1, 2009.

In addition to amounts appropriated above, there is hereby appropriated to the Railroad Commission for the biennium beginning on September 1, 2009 any revenues received in the AFRED Account No. 101 in excess of the Comptroller's Biennial Revenue Estimate for the 2010-11 biennium. These funds shall be used in accordance with Natural Resources Code, § 113.243.

- 4. Transfer Authority.** Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the Texas Railroad Commission is hereby authorized to direct agency resources and transfer such amounts appropriated above between appropriation line items.
- 5. Appropriation: Unexpended Balances Between Fiscal Years within the Biennium.** Any unexpended balances as of August 31, 2010, in the appropriations made herein to the Railroad Commission are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.
- 6. Appropriations Limited to Revenue Collections and Contingent Revenue: LPG/CNG/LNG Fees.** It is the intent of the Legislature that revenues collected pursuant to Natural Resources Code §§ 113.082, 113.090, 113.093, 113.094, 113.131, 116.032, 116.034, and 116.072 and deposited to Revenue Object Codes 3035 and 3246 in the General Revenue Fund, and \$60,000 each fiscal year collected pursuant to Natural Resources Code, § 113.244, and deposited to Revenue Object Code

**RAILROAD COMMISSION**  
(Continued)

3034 in the Alternative Fuels Research and Education Account No. 101, cover, at a minimum, the cost of the appropriations made above for the LP Gas Program in Strategy B.1.1, Pipeline and LP Gas Safety (not to exceed \$1,311,914 in fiscal year 2010 and \$1,264,454 in fiscal year 2011).

This appropriation is contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover these appropriations. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition to amounts appropriated above, there is hereby appropriated to the Railroad Commission for the biennium beginning on September 1, 2009 any revenues collected by the Commission and deposited to Revenue Object Codes 3035 and 3246 in the General Revenue Fund in excess of the Comptroller's Biennial Revenue Estimate for the 2010-11 biennium.

- 7. Unexpended Balance and Estimated Appropriation Authority: Oil Field Cleanup Account.** Included in amounts appropriated above in fiscal year 2010 is an amount not to exceed \$1,648,770 in Strategy C.2.1, Oil and Gas Remediation, and an amount not to exceed \$6,595,081 in Strategy C.2.2, Oil and Gas Well Plugging, in balances remaining in the Oil Field Cleanup Account No. 145 as of August 31, 2009. The agency shall use these funds to carry out duties authorized by Natural Resources Code, Subchapter D, Chapter 91.

In addition to amounts appropriated above, there is hereby appropriated to the Railroad Commission for the biennium beginning on September 1, 2009, an amount not to exceed \$10,000,000 in revenues received in the Oil Field Cleanup Account No. 145 in excess of the Comptroller's Biennial Revenue Estimate for (BRE) 2010-11. Of the amounts received in excess of the BRE, the first \$991,762 in fiscal year 2010 and the first \$917,255 in fiscal year 2011 shall be used to increase staffing in the oil and gas field operations and technical permitting programs in an attempt to reduce permitting times and prevent permitting backlogs.

In addition, the Number of Full-Time Equivalents (FTE) for the Railroad Commission is hereby increased by 21.0 in each fiscal year of the 2010-11 biennium. These positions shall be filled only in the event that revenues exceed the BRE for 2010-11 and shall be used to reduce permitting times and to prevent permitting backlogs.

- 8. Fee Appropriation: Liquid Propane (LP) Gas Licensing, Training, and Examination Renewal Fees.** Included in amounts appropriated above in Strategy A.2.2, Promote LP Gas Usage, is \$613,511 in each fiscal year of the biennium beginning September 1, 2009, in Appropriated Receipts (Revenue Object Code 3722) and \$1,000 in each fiscal year of the biennium in General Revenue (Revenue Object Code 3245) from fees assessed and collected pursuant to Natural Resources Code, §§ 113.088 and 116.034. These amounts may only be used for the purpose of providing training and examinations to licensees and certificate holders. In addition to amounts appropriated above, any additional amounts collected by the Railroad Commission pursuant to Natural Resources Code, §§ 113.088 and 116.034, on or after September 1, 2009, are hereby appropriated to the Commission for the same purpose.
- 9. Appropriation: Abandoned Mine Land Funds.** Included in amounts appropriated above in Strategy C.2.3, Surface Mining Reclamation, is an amount estimated to be \$323,814 in unexpended balances remaining on August 31, 2009, in the Land Reclamation Fund Account No. 454 (Federal Funds). In addition to amounts appropriated above, the Railroad Commission is hereby appropriated any additional federal grant funds from the US Department of Interior for the purposes authorized by Natural Resources Code, Chapter 134, Subchapter G, Abandoned Mine Reclamation.
- 10. Appropriation Limited to Revenue Collections: Surface Mining Permits and Contingency Appropriation for Fee Increase.** Included in the amounts appropriated above is \$1,359,639 in fiscal year 2010 and \$1,355,874 in fiscal year 2011 in Strategy C.1.2, Surface Mining Monitoring and Inspections, from surface mining fee revenues deposited to the General Revenue Fund to cover the cost of permitting and inspecting coal mining facilities.

This appropriation is contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover the General Revenue appropriations. Of this appropriation, \$140,528 in fiscal year 2010 and \$137,513 in fiscal year 2011 is contingent

**RAILROAD COMMISSION**  
(Continued)

upon the Railroad Commission increasing surface mining permit fees and shall be limited to revenues deposited to the credit of Revenue Object Code 3329 in excess of the Comptroller's Biennial Revenue Estimate (BRE) for 2010-11.

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

The Railroad Commission, upon completion of necessary actions to assess or increase the surface mining permit fee, shall furnish copies of minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues in excess of those estimated in the BRE for 2010-11, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purpose.

In addition to amounts appropriated above, there is hereby appropriated for the biennium beginning on September 1, 2009, any revenues received from surface mining fees deposited to the credit of Revenue Object Code No. 3329 in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 plus the amounts generated above relating to any fee increase.

- 11. Appropriation for Pipeline Safety Fees.** Included in the amounts appropriated above are revenues from fees assessed on pipelines and pipeline facilities and deposited to Revenue Object Code 3553 in the General Revenue Fund pursuant to Utilities Code, § 121.211 in an amount not to exceed \$2,467,292 in fiscal year 2010 and \$2,347,527 in fiscal year 2011. These funds shall be used to operate programs in Strategy B.1.1, Pipeline and LP Gas Safety, and the geographic information systems mapping program in Strategy D.1.1, Geographic Information Systems and Well Mapping.

The Railroad Commission is hereby authorized to transfer appropriations made pursuant to this provision to the appropriate strategy items.

These appropriations are contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover, at a minimum the General Revenue appropriations for the Pipeline Safety program and the underground pipeline damage prevention program as well as "Other direct and indirect costs" for the programs, appropriated elsewhere in this Act. "Other direct and indirect costs" are estimated to be \$1,020,107 in fiscal year 2010 and \$1,056,494 in fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition to amounts appropriated above, there is hereby appropriated for the biennium beginning on September 1, 2009, any revenues received from pipeline safety fee revenues deposited to the credit of Revenue Object Code No. 3553 in the General Revenue Fund in excess of the Comptroller's Biennial Revenue Estimate for 2010-11.

- 12. Capital Budget Expenditures: Federal Funds and Appropriated Receipts.** To comply with the legislative intent to maximize the use of federal funds and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Railroad Commission (RRC) is hereby exempted from the Capital Budget Rider Provisions contained in Article IX, Sec. 14.03, of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds and Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider. The RRC shall notify the Legislative Budget Board and the Governor upon receipt of such funds, of the amount received and items to be purchased.
- 13. Appropriation: Uranium Mining Regulatory Program.** Included in amounts appropriated above out of the General Revenue Fund in Strategy C.2.3, Surface Mining Reclamation, is \$117,155 in each fiscal year of the 2010-11 biennium. These appropriations are contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover, at a minimum the General Revenue appropriations for the Uranium Mining Regulatory program as well as "Other direct and indirect costs" for the program, appropriated elsewhere in this Act. "Other direct and indirect costs" are estimated to be \$34,733 in fiscal year 2010 and \$35,831 in fiscal year 2011. In the event that actual and/or projected revenue collections



**RAILROAD COMMISSION**  
(Continued)

are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

- 14. Contingency Appropriation: Pipeline Safety Fees.** Contingent upon the passage of legislation increasing the maximum pipeline safety inspection fee established in Utilities Code, Section 121.211, and in addition to the amounts appropriated above, there is hereby appropriated to the Railroad Commission revenues derived from the fee increase and deposited to Revenue Object Code 3553 in the General Revenue Fund in excess of the Comptroller's Biennial Revenue Estimate for 2010-11 and not to exceed \$653,590 in fiscal year 2010 and not to exceed \$533,825 in fiscal year 2011. In addition, Federal Funds appropriated to the agency are hereby increased by \$333,829 in fiscal year 2010 and by \$285,626 in fiscal year 2011. These funds shall be used to operate programs in Strategy B.1.1, Pipeline and LP Gas Safety, and the geographic information systems mapping program in Strategy D.1.1, Geographic Information Systems and Well Mapping. These appropriations are contingent upon the Railroad Commission assessing fees sufficient to generate, during the 2010-11 biennium, revenue to cover, at a minimum the General Revenue appropriations for the Pipeline Safety program and the underground pipeline damage prevention program as well as "Other direct and indirect costs" for the programs, appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

In addition, contingent upon the passage of legislation increasing the maximum pipeline safety inspection fee, the Railroad Commission's Number of Full-Time Equivalents (FTE) is hereby increased by 13.5 in each fiscal year of the 2010-11 biennium, and the following performance measure targets are increased by the following amounts:

	<u>2010</u>	<u>2011</u>
Number of Pipeline Safety Inspections Performed	200	450
Number of LPG/LNG/CNG Safety Inspections Performed	1,250	2,150
Number of Third Party Damage Enforcement Cases	3,800	6,800

**SOIL AND WATER CONSERVATION BOARD**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 22,543,335	\$ 22,543,335
Federal Funds	6,059,750	6,059,750
<b>Total, Method of Financing</b>	<b>\$ 28,603,085</b>	<b>\$ 28,603,085</b>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):<sup>1</sup></b>	73.5	73.5
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<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 3	\$92,600	\$92,600

**Items of Appropriation:**

**A. Goal:** SOIL & WATER CONSERVATION ASSIST  
Soil and Water Conservation Assistance.

<p><b>A.1.1. Strategy:</b> PROGRAM MANAGEMENT &amp; ASSISTANCE Program Expertise, Financial &amp; Conservation Implementation Assistance.</p>	\$ 11,781,311	\$ 11,781,311
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**B. Goal:** NONPOINT SOURCE POLLUTION ABATEMENT  
Administer a Program for Abatement of Agricul Nonpoint Source  
Pollution.

<sup>1</sup> Incorporates Rider 9, which adds 1.0 FTE due to the enactment of HB 865, 81<sup>st</sup> Legislature, Regular Session.

## SOIL AND WATER CONSERVATION BOARD

(Continued)

<b>B.1.1. Strategy:</b> STATEWIDE MANAGEMENT PLAN Implement a Statewide Management Plan for Controlling NPS Pollution.	\$	7,352,081	\$	7,352,081
<b>B.1.2. Strategy:</b> POLLUTION ABATEMENT PLAN Pollution Abatement Plans for Problem Agricultural Areas.	\$	<u>4,351,098</u>	\$	<u>4,351,098</u>

**Total, Goal B:** NONPOINT SOURCE POLLUTION ABATEMENT \$ 11,703,179 \$ 11,703,179

**C. Goal:** WATER SUPPLY ENHANCEMENT  
Protect and Enhance Water Supplies.

<b>C.1.1. Strategy:</b> WATER CONSERVATION AND ENHANCEMENT Provide Financial/Technical Assistance for Water Quantity Enhancement.	\$	4,543,641	\$	4,543,641
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**D. Goal:** INDIRECT ADMINISTRATION

<b>D.1.1. Strategy:</b> INDIRECT ADMINISTRATION	\$	574,954	\$	574,954
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**Grand Total, SOIL AND WATER CONSERVATION BOARD** \$ 28,603,085 \$ 28,603,085

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$	3,288,276	\$	3,288,276
Other Personnel Costs		119,407		119,407
Professional Fees and Services		27,201		27,201
Fuels and Lubricants		60,850		60,850
Consumable Supplies		37,250		37,250
Utilities		85,114		85,114
Travel		444,130		444,130
Rent - Building		243,635		243,635
Rent - Machine and Other		34,330		34,330
Other Operating Expense		3,139,860		3,139,860
Grants		<u>21,123,032</u>		<u>21,123,032</u>

**Total, Object-of-Expense Informational Listing** \$ 28,603,085 \$ 28,603,085

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$	202,305	\$	205,339
Group Insurance		477,057		514,036
Social Security		246,342		250,037
Benefits Replacement		<u>19,693</u>		<u>18,708</u>

Subtotal, Employee Benefits \$ 945,397 \$ 988,120

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 945,397 \$ 988,120

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Soil and Water Conservation Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Soil and Water Conservation Board. In order to achieve the objectives and service standards established by this Act, the Soil and Water Conservation Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>			<u>2011</u>
<b>A. Goal:</b> SOIL & WATER CONSERVATION ASSIST				
<b>Outcome (Results/Impact):</b>				
Percent of District Financial Needs Met by Soil and Water Conservation Board Grants	63.2%			63.2%
<b>A.1.1. Strategy:</b> PROGRAM MANAGEMENT & ASSISTANCE				
<b>Output (Volume):</b>				
Number of Contacts with Districts to Provide Conservation Education Assistance	15,396			15,396

**SOIL AND WATER CONSERVATION BOARD**  
(Continued)

**B. Goal: NONPOINT SOURCE POLLUTION ABATEMENT**

**Outcome (Results/Impact):**

Percent of Agricultural and Silvicultural Operations with a Potential to Cause Nonpoint Pollution in Problem Areas As Identified and Designated by the TSSWCB	63.5%	63.5%
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**B.1.1. Strategy: STATEWIDE MANAGEMENT PLAN**

**Output (Volume):**

Number of Proposals for Federal Grant Funding Evaluated by TSSWCB Staff	20	20
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**B.1.2. Strategy: POLLUTION ABATEMENT PLAN**

**Output (Volume):**

Number of Pollution Abatement Plans Certified	620	620
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**C. Goal: WATER SUPPLY ENHANCEMENT**

**C.1.1. Strategy: WATER CONSERVATION AND ENHANCEMENT**

**Output (Volume):**

Number of Acres of Brush Treated	46,276	46,276
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- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amount shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, §1232.103

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Acquisition of Information Resource Technologies	\$ 14,300	\$ 43,850
b. Transportation Items		
(1) Vehicle Replacement	\$ 130,000	\$ 50,000
Total, Capital Budget	\$ 144,300	\$ 93,850
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 139,950	\$ 88,700
Federal Funds	4,350	5,150
Total, Method of Financing	\$ 144,300	\$ 93,850

- 3. Matching Requirements.** Funds appropriated above for conservation assistance grants for soil and water conservation districts may be expended only when matched by equal amounts from sources other than state funds or earnings from state funds, not to exceed \$7,500 in any district per fiscal year.
- 4. Allocation of Grant Funds.** Out of the amounts appropriated above to the Soil and Water Conservation Board, any Conservation Implementation Technical Assistance grant funds to the soil and water conservation districts shall be used for expenses occurring in the fiscal year in which the grant funds are allocated. Grant distributions are made contingent upon districts filing annual Conservation Implementation Technical Assistance expenditure summary reports with the Soil and Water Conservation Board and are subject to a year-end reconciliation.
- 5. Water Quality Management Plans.** Included in amounts appropriated above in Strategy B.1.2, Pollution Abatement Plan, is \$550,000 out of the General Revenue Fund in fiscal years 2010 and 2011 for administrative costs associated with the preparation of water quality management plans for poultry operators and \$3,801,098 out of the General Revenue fund in fiscal years 2010 and 2011 for the planning and implementation of water quality management plans. Any unexpended balances from this appropriation as of August 31, 2010 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.
- 6. Brush Control.** Included in amounts appropriated above in Strategy C.1.1, Water Conservation and Enhancement, is \$4,543,641 in fiscal year 2010 and \$4,543,641 in fiscal year 2011 out of the General Revenue Fund for the brush control program. These funds shall be used for supporting existing and implementing new brush control projects designated by the Soil and Water

## SOIL AND WATER CONSERVATION BOARD

(Continued)

Conservation Board. Any unexpended balances from this appropriation as of August 31, 2010 are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2010.

7. **Conservation Assistance to the Soil and Water Conservation Districts.** Out of the amounts appropriated above to the Soil and Water Conservation Board, any conservation assistance grants awarded to soil and water conservation districts on a matching basis and requiring districts to raise funds from sources other than the Soil and Water Conservation Board prior to receiving such grants shall remain permanently with the soil and water conservation district granted the funds. The Soil and Water Conservation Board shall not require the soil and water conservation districts to return conservation assistance grant funds at the end of a fiscal year or at the end of a biennium.
8. **Appropriation: Flood Control Dam Operation, Maintenance, and Structural Repair.** Included in the amounts appropriated above in Strategy A.1.1, Program Management and Assistance, is \$7,500,000 in each fiscal year out of the General Revenue Fund to provide funding for operations and maintenance, structural repair, and rehabilitation needs to flood control dams.
9. **Contingency for House Bill 865.** Contingent on passage of House Bill 865, or similar legislation relating to the establishment of the Texas Invasive Species Coordinating Committee, by the Eighty-first Legislature, Regular Session, the Soil and Water Conservation Board's "Number of Full-Time Equivalents" is increased by 1.0 for fiscal year 2010 and fiscal year 2011 to implement the provisions of the legislation.

## WATER DEVELOPMENT BOARD

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 29,082,630	\$ 28,959,894
Federal Funds	9,178,563	9,178,830
<u>Other Funds</u>		
Appropriated Receipts	6,945,341	6,885,172
Interagency Contracts	79,339	70,339
Agricultural Water Conservation Fund No. 358	959,141	959,140
Water Assistance Fund No. 480	4,136,466	1,295,861
Subtotal, Other Funds	<u>\$ 12,120,287</u>	<u>\$ 9,210,512</u>
<b>Total, Method of Financing</b>	<u>\$ 50,381,480</u>	<u>\$ 47,349,236</u>
 <b>This bill pattern represents an estimated 4.4% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	357.6	357.6
<b>Schedule of Exempt Positions:</b>		
Executive Administrator, Group 5	\$135,000	\$135,000
<b>Items of Appropriation:</b>		
<b>A. Goal: WATER RESOURCE PLANNING</b> Plan and Guide Conservation & Management of State's Water Resources.		
<b>A.1.1. Strategy: ENVIRONMENTAL IMPACT INFORMATION</b>	\$ 1,924,172	\$ 1,840,172
Collection, Analysis and Reporting of Environmental Impact Information.		
<b>A.1.2. Strategy: WATER RESOURCES DATA</b>	\$ 3,228,212	\$ 3,243,592
<b>A.1.3. Strategy: AUTO INFO COLLECT., MAINT. &amp; DISSEM</b>	\$ 2,763,955	\$ 2,763,955
Automated Information Collection, Maintenance, and Dissemination.		
<b>A.2.1. Strategy: TECHNICAL ASSISTANCE &amp; MODELING</b>	\$ 4,499,582	\$ 4,458,221
Technical Assistance and Modeling.		

## WATER DEVELOPMENT BOARD

(Continued)

<b>A.2.2. Strategy:</b> WATER RESOURCES PLANNING	\$ 12,069,979	\$ 10,226,789
<b>A.3.1. Strategy:</b> WATER CONSERVATION EDUCATION & ASST Water Conservation Education and Assistance.	\$ 1,490,651	\$ 1,415,651
<b>A.4.1. Strategy:</b> PERFORM COMM ASSIST RELATED TO NFIP Perform Community Assistance Pursuant to the NFIP.	<u>\$ 2,996,793</u>	<u>\$ 2,996,793</u>
<b>Total, Goal A:</b> WATER RESOURCE PLANNING	<u>\$ 28,973,344</u>	<u>\$ 26,945,173</u>
<b>B. Goal:</b> WATER PROJECT FINANCING		
Provide Financing for the Development of Water-related Projects.		
<b>B.1.1. Strategy:</b> STATE & FEDERAL FIN ASSIST PROGRAM State and Federal Financial Assistance Programs.	\$ 12,683,546	\$ 11,682,804
<b>B.1.2. Strategy:</b> ECONOMICALLY DISTRESSED AREAS Economically Distressed Areas Program.	<u>\$ 2,084,147</u>	<u>\$ 2,084,148</u>
<b>Total, Goal B:</b> WATER PROJECT FINANCING	<u>\$ 14,767,693</u>	<u>\$ 13,766,952</u>
<b>C. Goal:</b> INDIRECT ADMINISTRATION		
<b>C.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 3,137,998	\$ 3,137,999
<b>C.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 2,945,451	\$ 2,942,118
<b>C.1.3. Strategy:</b> OTHER SUPPORT SERVICES	<u>\$ 556,994</u>	<u>\$ 556,994</u>
<b>Total, Goal C:</b> INDIRECT ADMINISTRATION	<u>\$ 6,640,443</u>	<u>\$ 6,637,111</u>
<b>Grand Total, WATER DEVELOPMENT BOARD</b>	<u><u>\$ 50,381,480</u></u>	<u><u>\$ 47,349,236</u></u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 21,004,820	\$ 21,004,818
Other Personnel Costs	387,121	387,119
Professional Fees and Services	3,446,923	3,443,579
Fuels and Lubricants	108,414	108,414
Consumable Supplies	377,550	376,742
Utilities	150,929	150,929
Travel	680,079	678,979
Rent - Building	135,666	135,666
Rent - Machine and Other	130,691	130,691
Other Operating Expense	2,204,660	2,085,797
Grants	19,073,889	16,159,764
Capital Expenditures	<u>2,680,738</u>	<u>2,686,738</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 50,381,480</u></u>	<u><u>\$ 47,349,236</u></u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 1,103,091	\$ 1,119,637
Group Insurance	2,493,835	2,713,536
Social Security	1,343,944	1,364,103
Benefits Replacement	<u>101,308</u>	<u>96,243</u>
Subtotal, Employee Benefits	<u>\$ 5,042,178</u>	<u>\$ 5,293,519</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 67,356</u>	<u>\$ 64,998</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u><u>\$ 5,109,534</u></u>	<u><u>\$ 5,358,517</u></u>

1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Water Development Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Water Development Board. In order to achieve the objectives and service standards established by this Act, the Water Development Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

**WATER DEVELOPMENT BOARD**  
(Continued)

	2010	2011
<b>A. Goal: WATER RESOURCE PLANNING</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Information Available to Adequately Monitor the State's Water Supplies	76.6%	76.6%
Percent of Key Regional and Statewide Water Planning Activities Completed	98.7%	98.7%
Percent of Eligible Texas Communities and Other Entities Receiving Technical and/or Financial Assistance for Water Planning and Conservation	9.5%	9.5%
<b>A.1.1. Strategy: ENVIRONMENTAL IMPACT INFORMATION</b>		
<b>Output (Volume):</b>		
Number of Bay and Estuary and Instream Study Elements Completed	9	9
<b>A.1.3. Strategy: AUTO INFO COLLECT., MAINT. &amp; DISSEM</b>		
<b>Explanatory:</b>		
Number of Responses to Requests for TNRI-related Information	350,000	350,000
<b>A.2.1. Strategy: TECHNICAL ASSISTANCE &amp; MODELING</b>		
<b>Output (Volume):</b>		
Number of Responses to Requests for Water Resources Information	2,600	2,600
<b>A.2.2. Strategy: WATER RESOURCES PLANNING</b>		
<b>Output (Volume):</b>		
Number of Active Grants for Regional Water, Wastewater, Flood and Research Studies Funded from the Research and Planning Fund	129	129
<b>A.3.1. Strategy: WATER CONSERVATION EDUCATION &amp; ASST</b>		
<b>Output (Volume):</b>		
Number of Responses to Requests for Water Conservation Information, Literature, Data, Technical Assistance and Educational Activities Provided by the Texas Water Development Board Staff	849	849
<b>B. Goal: WATER PROJECT FINANCING</b>		
<b>Outcome (Results/Impact):</b>		
Total Dollars Committed as a Percent of Total Financial Assistance Dollars Available	130%	130%
<b>B.1.1. Strategy: STATE &amp; FEDERAL FIN ASSIST PROGRAM</b>		
<b>Output (Volume):</b>		
Number of Financial Assistance/Loan Commitments Provided to State Participation Projects	2	2
Total Dollars Committed to Projects to Implement the State Water Plan (SWP)	437,360,250	252,281,000
Number of Commitments to State Water Plan Projects	9	8
<b>B.1.2. Strategy: ECONOMICALLY DISTRESSED AREAS</b>		
<b>Output (Volume):</b>		
Number of Completed Economically Distressed Areas Projects	81	85
 <b>2. Capital Budget.</b> None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103.		
	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 1,563,732	\$ 1,560,390
(2) Water Information Integration and Dissemination Project	301,894	301,894
(3) Strategic Mapping Pool	2,359,916	2,359,916
(4) TxWise	11,954	0
(5) PC Replacement	\$ 230,991	\$ 219,741
Total, Acquisition of Information Resource Technologies	\$ 4,468,487	\$ 4,441,941

**WATER DEVELOPMENT BOARD**  
(Continued)

b. Transportation Items			
(1) Purchase of Vehicles and Boats	\$	150,000	\$ 190,000
c. Acquisition of Capital Equipment and Items			
(1) Gauging and Other Equipment	\$	416,398	\$ 374,628
Total, Capital Budget	<u>\$</u>	<u>5,034,885</u>	<u>\$ 5,006,569</u>

Method of Financing (Capital Budget):

General Revenue Fund	\$	4,432,236	\$ 4,405,112
Agricultural Water Conservation Fund No. 358		26,500	26,500
Federal Funds		181,604	187,606
Appropriated Receipts		371,045	372,851
Interagency Contracts		23,500	14,500
Total, Method of Financing	<u>\$</u>	<u>5,034,885</u>	<u>\$ 5,006,569</u>

- 3. Transfer Authorized.** Included in amounts appropriated above in Strategy A.2.1, Technical Assistance and Modeling, and Strategy A.2.2, Water Resources Planning, is \$2,816,861 out of the General Revenue Fund in each fiscal year of the 2010-11 biennium to be transferred to the Water Assistance Fund No. 480, for the sole purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061. The Texas Water Development Board is authorized to transfer these funds from the Water Assistance Fund to other accounts as authorized under Water Code, § 15.011 as needed to support the regional planning process.

Also included in amounts appropriated above in Strategy A.2.2, Water Resources Planning, is \$2,591,722 out of the Water Assistance Fund No. 480 for the 2010-11 biennium. These amounts also shall be used for the purpose of making grants to regional planning groups pursuant to Water Code, § 15.4061.

- 4. Safe Drinking Water Act State Revolving Fund.** Included in amounts appropriated above in Strategy B.1.1, State and Federal Financial Assistance Programs, is up to \$3,837,234 out of the General Revenue Fund in each fiscal year of the biennium for the state match portion of the community/non-community water system and economically disadvantaged community accounts established under the Safe Drinking Water Act State Revolving Fund.
- 5. Appropriation: Water Assistance Fund.** Included in the amounts appropriated above are balances in the Water Assistance Fund No. 480 (WAF) as of August 31, 2009 and revenues accruing to the WAF during the 2010-11 biennium, estimated to be \$3,739,827 during the 2010-11 biennium. In addition to the amounts appropriated above, there is hereby appropriated to the Water Development Board all revenues accruing to the Water Assistance Fund No. 480 during the biennium beginning on September 1, 2009, including receipts from the Water Resources Finance Authority. These funds shall be used as authorized in Chapter 15, Water Code.
- 6. Appropriation: Water Resources Fund.** In addition to amounts appropriated above, any monies deposited into the Texas Water Resources Fund No. 591, including but not limited to proceeds from revenue bond sales, investment earnings, and loan repayments, are hereby appropriated to the Board for the biennium beginning with the effective date of this Act.
- 7. Appropriation: Agricultural Water Conservation Fund.** Included in the amounts appropriated above out of the Agricultural Water Conservation Fund No. 358 is \$959,141 in fiscal year 2010 and \$959,140 in fiscal year 2011 for use pursuant to § 50-d of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapter J. In addition to amounts appropriated above, there are hereby appropriated such amounts as may be necessary to administer and disburse funds for loans and grants through the agricultural water conservation program and to pay the principal and interest on agricultural water conservation bonds that mature or become due during the biennium beginning with the effective date of this Act, pursuant to § 50-d of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapter J, to be transferred to the Agricultural Water Conservation Interest and Sinking Fund No. 359.
- 8. Coordination with the Texas Department of Rural Affairs.**<sup>1</sup> The Texas Water Development Board (TWDB) and the Texas Department of Rural Affairs (TDRA) shall continue to coordinate

<sup>1</sup> HB 1918, 81<sup>st</sup> Legislature, Regular Session, changed the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs, effective September 1, 2009.

**WATER DEVELOPMENT BOARD**  
(Continued)

funds out of the Economically Distressed Areas Program (EDAP) administered by the TWDB and the Colonia Fund administered by TDRA as outlined in a Memorandum of Understanding (MOU) to maximize delivery of the funds and minimize administrative delay in their expenditure. At the beginning of each fiscal year of the 2010-11 biennium, the TWDB shall provide TDRA a list of EDAP-funded areas whose colonia residents cannot afford the cost of service lines, hook-ups, and plumbing improvements associated with being connected to an EDAP-funded system. No later than September 15, 2010, the TWDB and TDRA shall submit a joint report to the Legislative Budget Board that describes and analyzes the effectiveness of projects funded as a result of coordinated Colonia Fund/EDAP efforts, including an estimate of the amount each agency has saved by reduced duplication of efforts.

- 9. Fee Appropriation: State Revolving Fund Program Operation.** In addition to the amounts appropriated above, the Water Development Board is hereby appropriated any additional fee revenue collected for administration and operation of revolving fund programs for the biennium beginning September 1, 2009.

All fee revenue collected pursuant to the SRF program and additional state revolving funds may be deposited into an operating fund held in the Texas Treasury Safekeeping Trust Company. Monies in the SRF or additional SRFs operating fund, including interest, may be used only for the purposes of reimbursing expenditures from appropriations in this Act. Such reimbursement shall include both direct expenditures for salaries and other expenditures and fringe benefits. In addition, the Texas Water Development Board may transfer amounts from the operating fund to the SRF or additional SRFs for uses pursuant to the Water Code, Chapter 15, Subchapter J.

- 10. Use of Texas Water Resources Finance Authority (TWRFA) Funds.** Included in the amounts appropriated above in Strategy A.1.3, Automated Information Collection, Maintenance, and Dissemination, Strategy A.2.1, Technical Assistance and Modeling, Strategy A.2.2, Water Resources Planning, Strategy B.1.2, Economically Distressed Areas Program, and Strategy C.1.2, Information Resources, is \$1,293,394 in fiscal year 2011 and \$1,292,491 in fiscal year 2010 in Appropriated Receipts derived from cash flows from the Texas Water Resources Finance Authority (TWRFA). Also included in amounts appropriated above in Strategy B.1.1, State and Federal Financial Assistance Programs, is \$62,542 in fiscal year 2010 and \$62,542 in fiscal year 2011 in Appropriated Receipts in each fiscal year of the biennium derived from cash flows and reserved as operating costs of TWRFA and used to reimburse TWDB for administrative expenditures incurred by the Water Development Board in administering the TWRFA portfolio.
- 11. Appropriation: Unexpended Balances in the Groundwater District Loan Assistance Fund.** In addition to amounts appropriated above, the Texas Water Development Board is hereby appropriated any unexpended balances in the Groundwater District Loan Assistance Fund No. 363 as of August 31, 2009. Any unexpended balances as of August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010.
- 12. Appropriation: Cost Recovery for the State Participation Program.** Included in the amounts appropriated above to the Texas Water Development Board in Strategy B.1.1, State and Federal Financial Assistance Programs, is \$141,047 in fiscal year 2010 and \$141,015 in fiscal year 2011 in Appropriated Receipts collected for the administration and operation of the State Participation Program to be used for those purposes.

In addition to the amounts appropriated above, there is hereby appropriated to the Texas Water Development Board any additional revenues collected for the administration and operation of the State Participation Program for the same purposes.

- 13. Rural Water Assistance Fund.** In addition to the amounts appropriated above, there is hereby appropriated to the Texas Water Development Board (TWDB) available balances in the Rural Water Assistance Fund, money that TWDB may place into the Rural Water Assistance Fund from any sources legally available, including but not limited to proceeds from bonds issued by the Board, money transferred to the fund, and any revenues that may accrue to the Rural Water Assistance Fund.
- 14. Economically Disadvantaged Community Account.** Funds previously appropriated to the Texas Water Development Board for the Community/Noncommunity Water System Financial Assistance Account of the Safe Drinking Water Revolving Fund (SDWRF) and any interest earned on such funds may be transferred by the Board in whole or in part to the Economically Disadvantaged Community Account of the SDWRF for authorized use.



## WATER DEVELOPMENT BOARD

(Continued)

- 15. Capital Budget Expenditures: Federal Funds and Appropriated Receipts Exemption.** To comply with the legislative intent to maximize the use of federal funds, to maximize the use of state funds, and to fulfill grant requirements required for the receipt and expenditure of federal funds, the Water Development Board is hereby exempted from the Capital Budget Rider Provisions contained in Article IX of this Act, "Limitations on Expenditures - Capital Budget," when Federal Funds or Appropriated Receipts are received in excess of amounts identified in the agency's Capital Budget Rider. The Water Development Board shall notify the Legislative Budget Board and the Governor upon receipt of such Federal Funds or Appropriated Receipts, of the amount received and items to be purchased.
- 16. Desalination.** Included in amounts appropriated above out of the General Revenue Fund in Strategy A.2.2, Water Resources Planning, is \$600,000 in fiscal year 2010 to be transferred to the Water Assistance Fund No. 480 to be used for grants for brackish groundwater desalination demonstration projects.

Any unexpended balances remaining in this appropriation on August 31, 2010 are hereby appropriated for the fiscal year beginning September 1, 2010.

- 17. Nuisance Surveys for the Economically Distressed Areas Program.** Out of amounts appropriated above out of the General Revenue Fund in Strategy B.1.2, Economically Distressed Areas, the Water Development Board shall reimburse the Texas Department of State Health Services for costs incurred by the Department in conducting nuisance surveys for applicants for financial assistance through the Economically Distressed Areas program administered by the Board. The Board shall reimburse such costs through Interagency Contracts with the Texas Department of State Health Services in an amount not to exceed a total of \$250,000 for the biennium beginning on September 1, 2009.
- 18. Appropriation: Water Infrastructure Fund.** In addition to the amounts appropriated above, there is hereby appropriated to the Water Development Board for the biennium beginning on September 1, 2009, all available funds in the Water Infrastructure Fund (WIF) No. 302, including, but not limited to fund balances, revenues, bonds issued by the Water Development Board, and funds transferred to the WIF. Appropriations to the WIF used to fund projects that are recommended water management strategies in the State Water Plan shall be allocated with priority given to projects with the earliest recommended implementation date in the State Water Plan.
- 19. Colonia Self-Help.** Included in amounts appropriated above out of the General Revenue Fund in Strategy B.1.2, Economically Distressed Areas, is \$300,000 in each fiscal year to be transferred to the Water Assistance Fund No. 480 to be used for grants for colonia self-help projects.

Any unexpended balances as of August 31, 2010 out of appropriations made herein are appropriated to the Water Development Board for the same purpose for the fiscal year beginning September 1, 2010.

- 20. Unexpended Balances Within the Biennium.** Any unexpended balances as of August 31, 2010 in appropriations made to the Water Development Board are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.
- 21. Travel Cap Exemption for Bond Travel.** Travel expenses incurred by the staff of the Texas Water Development Board related to the issuance of debt and paid from bond proceeds are exempt from the requirements of Article IX, relating to the Limitation on Travel Expenditures, and the limitations on such expenditures set forth therein.
- 22. Appropriation: Edwards Aquifer Recovery Implementation Program.** Out of funds appropriated above in Strategy A.2.2, Water Resources Planning, the Water Development Board shall allocate up to \$1,692,500 in fiscal year 2010 out of the Water Assistance Fund No. 480 to be used for grants and studies related to the Edwards Aquifer Recovery Implementation Program.

Any unexpended balances as of August 31, 2010 out of appropriations made herein are appropriated to the Water Development Board for the same purpose for the fiscal year beginning September 1, 2010.

- 23. Reimbursement of Advisory Committees.** Pursuant to Government Code, § 2110.004, reimbursement of expenses for advisory committee members out of funds appropriated above is limited to the following advisory committees: the Texas Environmental Flows Science Advisory Committee and the Basin and Bay Expert Science Teams.

## WATER DEVELOPMENT BOARD

(Continued)

- 24. Financing of Water and Wastewater Connections and Plumbing Improvements in Economically Distressed Areas.** It is the intent of the legislature that, to the extent permitted by law, a political subdivision be permitted to use money from financial assistance under Subchapter K, Chapter 17, Water Code to pay: (1) costs to connect a residence to a water distribution system constructed under the subchapter; (2) costs to provide yard service connections; (3) costs of connecting a residence to a sewer collection system constructed under that subchapter; (4) necessary connection fees and permit fees; and (5) necessary costs of design related to plumbing improvements described in subdivisions (1) through (4) of this section.
- 25. Advisory Committees.** Included in amounts appropriated above out of the General Revenue Fund in Strategy A.1.1, Environmental Impact Information, is \$525,000 in each fiscal year to be transferred to the Water Assistance Fund No. 480 to be used for reimbursement of travel and compensation for attendance and participation at meetings of each of the Basin and Bay Expert Science Teams and the Environmental Flows Science Advisory Committees.
- 26. Funding Restricted for Reservoir Site.<sup>2</sup>** During the 2010-11 biennium, the appropriations made by this Act may not be used to fund the acquisition of a reservoir site for the Marvin Nichols Reservoir until December 2010, when the final study report by the Study Commission on Region C Water Supply established by the Eightieth Legislature is due.

<sup>2</sup> Rider is duplicated from Article IX, § 17.17, of this Act.

### DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING G.O. WATER BONDS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 68,900,081	\$ 74,082,753
<u>Other Funds</u>		
Water Infrastructure Fund No. 302	12,948,764	19,694,698
Economically Distressed Areas Bond Payment Account No. 357	2,804,138	3,989,530
State Participation Program Bond Payment Account No. 8432	8,037,548	9,063,404
Subtotal, Other Funds	<u>\$ 23,790,450</u>	<u>\$ 32,747,632</u>
<b>Total, Method of Financing</b>	<u><u>\$ 92,690,531</u></u>	<u><u>\$ 106,830,385</u></u>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> GEN OBLIGATION BOND DEBT SERVICE		
Fulfill All General Obligation Bond Debt Service Commitments.		
<b>A.1.1. Strategy:</b> EDAP DEBT SERVICE	\$ 23,380,260	\$ 24,177,686 & UB
General Obligation Bond Debt Service Payments for EDAP.		
<b>A.1.2. Strategy:</b> STATE PARTICIPATION DEBT SERVICE	\$ 20,232,175	\$ 22,866,425 & UB
General Obligation Bond Debt Service Payments for State Participation.		
<b>A.1.3. Strategy:</b> WIF DEBT SERVICE	\$ 49,078,096	\$ 59,786,274 & UB
G.O. Bond Debt Service Payments for the Water Infrastructure Fund Pgm.		
<b>Total, Goal A:</b> GEN OBLIGATION BOND DEBT SERVICE	<u>\$ 92,690,531</u>	<u>\$ 106,830,385</u>
 <b>Grand Total, DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING G.O. WATER BONDS</b>	 <u><u>\$ 92,690,531</u></u>	 <u><u>\$ 106,830,385</u></u>

**DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING G.O. WATER BONDS**  
(Continued)

**Object-of-Expense Informational Listing:**

Debt Service	\$ <u>92,690,531</u>	\$ <u>106,830,385</u>
<b>Total, Object-of-Expense Informational Listing</b>	\$ <u>92,690,531</u>	\$ <u>106,830,385</u>

- 1. Payment of Debt Service: Economically Distressed Areas Bonds.** All monies received by the Texas Water Development Board and deposited to the Economically Distressed Areas Bond Payment Account No. 357 are hereby appropriated for the payment of principal and interest on bonds issued to provide financial assistance for water and wastewater infrastructure through the Economically Distressed Areas Program that mature or become due during the biennium beginning with the effective date of this Act, pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L, including amounts issued prior to the effective date of this Act. The amounts identified above in the Method of Financing as the Economically Distressed Areas Bond Payment Account No. 357 are estimated amounts to be received from repayments of loan principal and interest on such bonds that mature or become due during the biennium.

Included in the amounts appropriated above, out of the General Revenue Fund, the Texas Water Development Board is also appropriated \$4,002,092 in fiscal year 2010 and \$6,900,913 in fiscal year 2011 for the payment of principal and interest on \$84,370,000 in Economically Distressed Areas Program Bonds hereby authorized to be issued and sold during the 2010-11 biennium to provide financial assistance for water and wastewater infrastructure through the Economically Distressed Areas Program pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less the amount available in the Economically Distressed Areas Bond Payment Account No. 357 for Debt Service Payments for the Economically Distressed Areas Program. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-7, 49-d-8, and 49-d-10 of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

- 2. Payment of Debt Service: State Participation Bonds.** All monies received by the Texas Water Development Board and deposited to the State Participation Program Bond Payment Account No. 8432 are hereby appropriated for the payment of principal and interest on bonds issued to provide financial assistance for State Participation projects that mature or become due during the biennium beginning with the effective date of this Act, pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-9 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L, including amounts issued prior to the effective date of this Act, as well as additional amounts issued during the 2010-11 biennium. The amounts identified above in the Method of Financing as the State Participation Program Bond Payment Account No. 8432 are estimated amounts of payments received from political subdivisions representing the purchase of the state's ownership interest in projects dedicated to the payment of principal and interest on such bonds that mature or become due during the biennium.

Included in the amounts appropriated above out of the General Revenue Fund, the Texas Water Development Board is also appropriated \$9,455,646 in fiscal year 2010 and \$12,205,875 in fiscal year 2011 for the payment of principal and interest on \$225,050,000 in State Participation Bonds hereby authorized to be issued and sold during the 2010-11 biennium to provide financial assistance for water and wastewater infrastructure projects through the State Participation Program pursuant to §§ 49-c, 49-d-7, 49-d-8, and 49-d-9 of Article III of the Texas Constitution and Water Code, Chapter 17, Subchapters C and L.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less the amount available in the State Participation Program Bond Payment Account No. 8432 for Debt Service Payments for the State Participation Program. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-7, 49-d-8, and 49-d-9 of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

- 3. Payment of Debt Service: Water Infrastructure Fund Bonds.** Included in the amounts appropriated above to the Water Development Board is \$22,531,920 in fiscal year 2010 and

**DEBT SERVICE PAYMENTS - NON-SELF SUPPORTING G.O. WATER BONDS**  
(Continued)

\$25,258,197 in fiscal year 2011 out of the General Revenue Fund, to be transferred to the Water Infrastructure Fund (WIF) No. 302, pursuant to Texas Water Code, Section 15.974 (a)(4), for the repayment of principal and interest on \$473,365,000 in Water Infrastructure Fund bonds hereby approved to be issued and sold during the 2010-11 biennium pursuant to Texas Water Code, Section 17.952, Water Financial Assistance Bonds, to provide financial assistance for projects related to the implementation of the State Water Plan as authorized by Texas Water Code, Section 15.974.

The actual amount of funds to be paid from the General Revenue Fund shall be the total amount of debt service obligations due in each fiscal year less amounts deposited to the Water Infrastructure Fund (WIF) No. 302 for loan repayments and interest earnings. The provisions contained herein shall not be construed, however, to abrogate the obligation of the State under §§ 49-c, 49-d-8 and 49-d-9, of Article III of the Texas Constitution to provide for the payment in full of the principal and interest on such bonds that mature or become due during the biennium.

- 4. Bond Issuance Authority by Program.** Based on demand in the various programs under the Non-Self Supporting G.O. Water Bonds, the authority to issue bonds may be transferred between programs provided: 1) debt service for such bonds does not exceed the General Revenue appropriation for debt service; 2) the issuance of the bonds is approved by the Bond Review Board; and 3) the Legislative Budget Board, upon receiving a request for bond issuance from the Water Development Board, does not issue a written disapproval not later than the 15<sup>th</sup> day after the date the staff of the Legislative Budget Board concludes its review and forwards those findings to the Board.
  
- 5. Bond Issuance and Payment of Debt Service.** Within the amounts appropriated above, the Texas Water Development Board is authorized to issue Non-Self Supporting G.O. Water Bonds for State Participation, Economically Distressed Areas Program and Water Infrastructure Fund purposes, provided: 1) debt service for such bonds does not exceed the General Revenue appropriation for debt service; 2) the issuance of the bonds is approved by the Bond Review Board; and 3) the Legislative Budget Board, upon receiving a request for bond issuance from the Water Development Board, does not issue a written disapproval not later than the 15<sup>th</sup> day after the date the staff of the Legislative Budget Board concludes its review and forwards those findings to the Board.

**RETIREMENT AND GROUP INSURANCE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1, 2</sup>		
General Revenue Fund, estimated	\$ 54,222,131	\$ 57,795,857
General Revenue Dedicated Accounts, estimated	23,411,714	25,615,278
Federal Funds, estimated	10,418,438	10,877,942
Other Special State Funds, estimated	<u>4,247,587</u>	<u>4,496,219</u>
<b>Total, Method of Financing</b>	<u>\$ 92,299,870</u>	<u>\$ 98,785,296</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> EMPLOYEES RETIREMENT SYSTEM		
<b>A.1.1. Strategy:</b> RETIREMENT CONTRIBUTIONS <sup>1</sup>	\$ 25,715,357	\$ 26,231,996
Retirement Contributions. Estimated.		

<sup>1</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Retirement benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$216,720 in General Revenue-Dedicated Funds in FY 2010 and \$350,880 in General Revenue-Dedicated Funds in FY 2011.

<sup>2</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Group Insurance benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$571,451 in General Revenue-Dedicated Funds in FY 2010, and \$988,121 in General Revenue-Dedicated Funds in FY 2011.

**RETIREMENT AND GROUP INSURANCE**  
(Continued)

<b>A.1.2. Strategy:</b> GROUP INSURANCE <sup>3</sup> Group Insurance. Estimated.	\$ 66,584,513	\$ 72,553,300
<b>Total, Goal A:</b> EMPLOYEES RETIREMENT SYSTEM	\$ 92,299,870	\$ 98,785,296
<b>Grand Total,</b> RETIREMENT AND GROUP INSURANCE	<u>\$ 92,299,870</u>	<u>\$ 98,785,296</u>

<sup>3</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Group Insurance benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$571,451 in General Revenue-Dedicated Funds in FY 2010, and \$988,121 in General Revenue-Dedicated Funds in FY 2011.

**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1</sup>		
General Revenue Fund, estimated	\$ 8,695,093	\$ 8,811,992
General Revenue Dedicated Accounts, estimated	19,029,393	19,318,095
Federal Funds, estimated	4,904,456	4,873,356
Other Special State Funds, estimated	<u>1,971,092</u>	<u>1,990,124</u>
<b>Total, Method of Financing</b>	<u>\$ 34,600,034</u>	<u>\$ 34,993,567</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT Comptroller - Social Security.		
<b>A.1.1. Strategy:</b> STATE MATCH – EMPLOYER <sup>1</sup> State Match — Employer. Estimated.	\$ 31,619,022	\$ 32,161,606
<b>A.1.2. Strategy:</b> BENEFIT REPLACEMENT PAY Benefit Replacement Pay. Estimated.	<u>\$ 2,981,012</u>	<u>\$ 2,831,961</u>
<b>Total, Goal A:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT	<u>\$ 34,600,034</u>	<u>\$ 34,993,567</u>
<b>Grand Total,</b> SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY	<u>\$ 34,600,034</u>	<u>\$ 34,993,567</u>

<sup>1</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Social Security benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in an increase of \$342,720 in General Revenue-Dedicated Funds in FY 2010; and an increase of \$416,160 in General Revenue-Dedicated Funds in FY 2011.

**BOND DEBT SERVICE PAYMENTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 6,873,212	\$ 5,921,875
Sporting Goods Sales Tax - Transfer to State Parks Account No. 64	4,306,691	3,226,445
Subtotal, General Revenue Fund	<u>\$ 11,179,903</u>	<u>\$ 9,148,320</u>

**BOND DEBT SERVICE PAYMENTS**  
(Continued)

Current Fund Balance	<u>735,038</u>	<u>734,194</u>
<b>Total, Method of Financing</b>	<u>\$ 11,914,941</u>	<u>\$ 9,882,514</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: FINANCE CAPITAL PROJECTS</b>		
<b>A.1.1. Strategy: BOND DEBT SERVICE</b>	\$ 11,914,941	\$ 9,882,514 & UB
To Texas Public Finance Authority for Payment of Bond Debt Service.		
<b>Grand Total, BOND DEBT SERVICE PAYMENTS</b>	<u>\$ 11,914,941</u>	<u>\$ 9,882,514</u>

**LEASE PAYMENTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 4,023,955</u>	<u>\$ 3,819,916</u>
<b>Total, Method of Financing</b>	<u>\$ 4,023,955</u>	<u>\$ 3,819,916</u>
<b>Items of Appropriation:</b>		
<b>A. Goal: FINANCE CAPITAL PROJECTS</b>		
<b>A.1.1. Strategy: LEASE PAYMENTS</b>	\$ 4,023,955	\$ 3,819,916 & UB
To TFC for Payment to TPFA.		
<b>Grand Total, LEASE PAYMENTS</b>	<u>\$ 4,023,955</u>	<u>\$ 3,819,916</u>

**RECAPITULATION - ARTICLE VI  
NATURAL RESOURCES  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
Department of Agriculture	\$ 83,535,644	\$ 60,506,491
Animal Health Commission	10,820,568	10,684,568
Commission on Environmental Quality	15,559,747	13,936,272
General Land Office and Veterans' Land Board	8,645,738	1,734,188
Parks and Wildlife Department	107,316,675	98,728,936
Railroad Commission	30,155,281	29,631,691
Soil and Water Conservation Board	22,543,335	22,543,335
Water Development Board	29,082,630	28,959,894
Debt Service Payments - Non-Self Supporting G.O. Water Bonds	<u>68,900,081</u>	<u>74,082,753</u>
Subtotal, Natural Resources	<u>\$ 376,559,699</u>	<u>\$ 340,808,128</u>
Retirement and Group Insurance	54,222,131	57,795,857
Social Security and Benefit Replacement Pay	<u>8,695,093</u>	<u>8,811,992</u>
Subtotal, Employee Benefits	<u>\$ 62,917,224</u>	<u>\$ 66,607,849</u>
Bond Debt Service Payments	11,179,903	9,148,320
Lease Payments	<u>4,023,955</u>	<u>3,819,916</u>
Subtotal, Debt Service	<u>\$ 15,203,858</u>	<u>\$ 12,968,236</u>
 TOTAL, ARTICLE VI - NATURAL RESOURCES	 <u>\$ 454,680,781</u>	 <u>\$ 420,384,213</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VI  
NATURAL RESOURCES  
(General Revenue - Dedicated)<sup>1</sup>**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
Department of Agriculture	\$ 1,187,917	\$ 187,918
Commission on Environmental Quality	428,657,806	410,182,244
General Land Office and Veterans' Land Board	11,345,026	11,765,025
Parks and Wildlife Department	155,356,289	147,555,360
Railroad Commission	<u>32,180,947</u>	<u>33,263,843</u>
Subtotal, Natural Resources	<u>\$ 628,727,985</u>	<u>\$ 602,954,390</u>
Retirement and Group Insurance	23,411,714	25,615,278
Social Security and Benefit Replacement Pay	<u>19,029,393</u>	<u>19,318,095</u>
Subtotal, Employee Benefits	<u>\$ 42,441,107</u>	<u>\$ 44,933,373</u>
TOTAL, ARTICLE VI - NATURAL RESOURCES	<u>\$ 671,169,092</u>	<u>\$ 647,887,763</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.



**RECAPITULATION - ARTICLE VI  
NATURAL RESOURCES  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Department of Agriculture	\$ 351,960,400	\$ 374,531,748
Animal Health Commission	4,571,563	4,571,563
Commission on Environmental Quality	40,128,274	40,013,274
General Land Office and Veterans' Land Board	14,004,163	19,931,020
Parks and Wildlife Department	43,828,873	41,830,624
Railroad Commission	7,045,749	6,994,531
Soil and Water Conservation Board	6,059,750	6,059,750
Water Development Board	<u>9,178,563</u>	<u>9,178,830</u>
Subtotal, Natural Resources	<u>\$ 476,777,335</u>	<u>\$ 503,111,340</u>
Retirement and Group Insurance	10,418,438	10,877,942
Social Security and Benefit Replacement Pay	<u>4,904,456</u>	<u>4,873,356</u>
Subtotal, Employee Benefits	<u>\$ 15,322,894</u>	<u>\$ 15,751,298</u>
TOTAL, ARTICLE VI - NATURAL RESOURCES	<u>\$ 492,100,229</u>	<u>\$ 518,862,638</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VI  
NATURAL RESOURCES  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Department of Agriculture	\$ 5,846,882	\$ 4,971,678
Commission on Environmental Quality	8,852,306	8,642,306
General Land Office and Veterans' Land Board	49,820,493	48,965,389
Parks and Wildlife Department	75,214,178	3,166,854
Railroad Commission	2,079,490	2,079,490
Water Development Board	12,120,287	9,210,512
Debt Service Payments - Non-Self Supporting G.O. Water Bonds	<u>23,790,450</u>	<u>32,747,632</u>
Subtotal, Natural Resources	<u>\$ 177,724,086</u>	<u>\$ 109,783,861</u>
Retirement and Group Insurance	4,247,587	4,496,219
Social Security and Benefit Replacement Pay	<u>1,971,092</u>	<u>1,990,124</u>
Subtotal, Employee Benefits	<u>\$ 6,218,679</u>	<u>\$ 6,486,343</u>
Bond Debt Service Payments	<u>735,038</u>	<u>734,194</u>
Subtotal, Debt Service	<u>\$ 735,038</u>	<u>\$ 734,194</u>
Less Interagency Contracts	<u>\$ 21,572,160</u>	<u>\$ 21,353,160</u>
<b>TOTAL, ARTICLE VI - NATURAL RESOURCES</b>	<u><u>\$ 163,105,643</u></u>	<u><u>\$ 95,651,238</u></u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VI  
NATURAL RESOURCES  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
Department of Agriculture	\$ 442,530,843	\$ 440,197,835
Animal Health Commission	15,392,131	15,256,131
Commission on Environmental Quality	493,198,133	472,774,096
General Land Office and Veterans' Land Board	83,815,420	82,395,622
Parks and Wildlife Department	381,716,015	291,281,774
Railroad Commission	71,461,467	71,969,555
Soil and Water Conservation Board	28,603,085	28,603,085
Water Development Board	50,381,480	47,349,236
Debt Service Payments - Non-Self Supporting G.O. Water Bonds	<u>92,690,531</u>	<u>106,830,385</u>
Subtotal, Natural Resources	<u>\$ 1,659,789,105</u>	<u>\$ 1,556,657,719</u>
Retirement and Group Insurance	92,299,870	98,785,296
Social Security and Benefit Replacement Pay	<u>34,600,034</u>	<u>34,993,567</u>
Subtotal, Employee Benefits	<u>\$ 126,899,904</u>	<u>\$ 133,778,863</u>
Bond Debt Service Payments	11,914,941	9,882,514
Lease Payments	<u>4,023,955</u>	<u>3,819,916</u>
Subtotal, Debt Service	<u>\$ 15,938,896</u>	<u>\$ 13,702,430</u>
Less Interagency Contracts	<u>\$ 21,572,160</u>	<u>\$ 21,353,160</u>
TOTAL, ARTICLE VI - NATURAL RESOURCES	<u>\$ 1,781,055,745</u>	<u>\$ 1,682,785,852</u>
Number of Full-Time-Equivalents (FTE)	8,823.9	8,847.9

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.



## ARTICLE VII

### BUSINESS AND ECONOMIC DEVELOPMENT

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated business and economic development agencies.

#### DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1</sup>		
General Revenue Fund <sup>2</sup>	\$ 22,643,144	\$ 22,596,988
Community Affairs Federal Fund No. 127	132,646,833	132,676,861
<u>Other Funds</u>		
Appropriated Receipts	16,346,832	16,506,657
Interagency Contracts	68,255	68,255
Subtotal, Other Funds	\$ 16,415,087	\$ 16,574,912
<b>Total, Method of Financing</b>	<b>\$ 171,705,064</b>	<b>\$ 171,848,761</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,017,313	\$ 1,095,786
<b>This bill pattern represents an estimated 12% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b> <sup>2</sup>	314.0	314.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 5	\$129,250	\$129,250
<b>Items of Appropriation:</b>		
<b>A. Goal: AFFORDABLE HOUSING</b>		
Increase Availability of Safe/Decent/Affordable Housing.		
<b>A.1.1. Strategy:</b> MRB PROGRAM - SINGLE FAMILY Federal Mortgage Loans & MCCs through the SF MRB Program.	\$ 1,207,005	\$ 1,209,024
<b>A.1.2. Strategy:</b> HOME PROGRAM - SINGLE FAMILY Provide Single Family Housing through HOME Investment Program.	\$ 33,085,323	\$ 33,104,475
<b>A.1.3. Strategy:</b> HOUSING TRUST FUND - SINGLE FAMILY Provide Funding through the HTF for Affordable Single Family Housing.	\$ 10,660,768	\$ 10,660,768
<b>A.1.4. Strategy:</b> SECTION 8 RENTAL ASSISTANCE Federal Rental Assistance through Section 8 Certificates and Vouchers.	\$ 6,296,275	\$ 6,296,672
<b>A.1.5. Strategy:</b> FEDERAL TAX CREDITS Provide Federal Tax Credits to Develop Rental Housing for VLI and LI.	\$ 1,247,279	\$ 1,233,486

<sup>1</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency Article XII includes a Federal Funds increase of \$565,075,732 in FY 2010 resulting in a net All Funds appropriation of \$736,780,796 in FY 2010.

<sup>2</sup> Incorporates Article IX, § 17.66, of this Act, due to the enactment of SB 1878, 81<sup>st</sup> Legislature, Regular Session, relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services, resulting in an increase in General Revenue Funds of \$265,288 in FY 2010 and \$219,132 in FY 2011 and 3.0 FTEs each fiscal year.

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
(Continued)

<b>A.1.6. Strategy:</b> HOME PROGRAM - MULTIFAMILY Provide Multifamily Housing through HOME Investment Program.	\$ 5,917,600	\$ 5,917,912
<b>A.1.7. Strategy:</b> HOUSING TRUST FUND - MULTIFAMILY Provide Funding through the HTF for Affordable Multifamily Housing.	\$ 303,107	\$ 303,107
<b>A.1.8. Strategy:</b> MRB PROGRAM - MULTIFAMILY Federal Mortgage Loans through the MF Mortgage Revenue Bond Program.	\$ 416,021	\$ 416,248
<b>Total, Goal A:</b> AFFORDABLE HOUSING	<u>\$ 59,133,378</u>	<u>\$ 59,141,692</u>
<b>B. Goal:</b> INFORMATION & ASSISTANCE Provide Information and Assistance.		
<b>B.1.1. Strategy:</b> HOUSING RESOURCE CENTER <sup>3</sup> Center for Housing Research, Planning, and Communications.	\$ 953,826	\$ 909,067
<b>B.2.1. Strategy:</b> COLONIA SERVICE CENTERS Assist Colonias, Border Communities, and Nonprofits.	<u>\$ 293,532</u>	<u>\$ 293,815</u>
<b>Total, Goal B:</b> INFORMATION & ASSISTANCE	<u>\$ 1,247,358</u>	<u>\$ 1,202,882</u>
<b>C. Goal:</b> POOR AND HOMELESS PROGRAMS Improve Poor/Homeless Living Conditions & Reduce VLI Energy Costs.		
<b>C.1.1. Strategy:</b> POVERTY-RELATED FUNDS Administer Poverty-related Federal Funds through a Network of Agencies.	\$ 46,003,388	\$ 45,998,795
<b>C.2.1. Strategy:</b> ENERGY ASSISTANCE PROGRAMS Administer State Energy Assistance Programs.	<u>\$ 49,183,784</u>	<u>\$ 49,184,247</u>
<b>Total, Goal C:</b> POOR AND HOMELESS PROGRAMS	<u>\$ 95,187,172</u>	<u>\$ 95,183,042</u>
<b>D. Goal:</b> ENSURE COMPLIANCE Ensure Compliance with Program Mandates.		
<b>D.1.1. Strategy:</b> MONITOR HOUSING REQUIREMENTS Monitor and Inspect for Federal & State Housing Program Requirements.	\$ 1,839,943	\$ 1,816,305
<b>D.1.2. Strategy:</b> MONITOR CONTRACT REQUIREMENTS Monitor Subrecipient Contracts.	<u>\$ 2,882,322</u>	<u>\$ 2,896,619</u>
<b>Total, Goal D:</b> ENSURE COMPLIANCE	<u>\$ 4,722,265</u>	<u>\$ 4,712,924</u>
<b>E. Goal:</b> MANUFACTURED HOUSING Regulate Manufactured Housing Industry.		
<b>E.1.1. Strategy:</b> TITLING & LICENSING Provide SOL and Licensing Services in a Timely Manner.	\$ 1,586,761	\$ 1,662,424
<b>E.1.2. Strategy:</b> INSPECTIONS Conduct Inspections of Manufactured Homes in a Timely Manner.	\$ 1,582,236	\$ 1,650,276
<b>E.1.3. Strategy:</b> ENFORCEMENT Process Complaints/Conduct Investigations/Take Administrative Actions.	\$ 1,542,200	\$ 1,605,077
<b>E.1.4. Strategy:</b> TEXASONLINE TexasOnline fees. Estimated and Nontransferable.	<u>\$ 19,120</u>	<u>\$ 19,120</u>
<b>Total, Goal E:</b> MANUFACTURED HOUSING	<u>\$ 4,730,317</u>	<u>\$ 4,936,897</u>
<b>F. Goal:</b> INDIRECT ADMIN AND SUPPORT COSTS Indirect Administration and Support Costs.		
<b>F.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 4,700,877	\$ 4,707,954
<b>F.1.2. Strategy:</b> INFORMATION RESOURCE TECHNOLOGIES	\$ 1,462,347	\$ 1,445,367

<sup>3</sup> Incorporates Article IX, § 17.66, of this Act, due to the enactment of SB 1878, 81<sup>st</sup> Legislature, Regular Session, relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services, resulting in an increase in General Revenue Funds of \$265,288 in FY 2010 and \$219,132 in FY 2011 and 3.0 FTEs each fiscal year.

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
(Continued)

<b>F.1.3. Strategy: OPERATING/SUPPORT</b>	\$ 521,350	\$ 518,003
Operations and Support Services.		

<b>Total, Goal F: INDIRECT ADMIN AND SUPPORT COSTS</b>	\$ 6,684,574	\$ 6,671,324
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<b>Grand Total, DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS</b>	<u>\$ 171,705,064</u>	<u>\$ 171,848,761</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 18,523,604	\$ 18,689,557
Other Personnel Costs	468,517	473,517
Professional Fees and Services	1,339,704	1,339,704
Consumable Supplies	196,736	196,736
Utilities	94,638	94,638
Travel	1,062,230	1,062,230
Rent - Building	160,155	160,155
Rent - Machine and Other	100,504	100,504
Other Operating Expense	3,115,174	3,070,918
Client Services	5,477,385	5,477,385
Grants	141,073,417	141,073,417
Capital Expenditures	<u>93,000</u>	<u>110,000</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 171,705,064</u>	<u>\$ 171,848,761</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 1,039,155	\$ 1,054,742
Group Insurance	2,101,590	2,271,798
Social Security	1,246,791	1,265,493
Benefits Replacement	<u>104,832</u>	<u>99,590</u>

Subtotal, Employee Benefits	<u>\$ 4,492,368</u>	<u>\$ 4,691,623</u>
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Debt Service

Lease Payments	<u>\$ 43,018</u>	<u>\$ 37,223</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 4,535,386</u>	<u>\$ 4,728,846</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Housing and Community Affairs. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Housing and Community Affairs. In order to achieve the objectives and service standards established by this Act, the Department of Housing and Community Affairs shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: AFFORDABLE HOUSING</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Households/Individuals of Very Low, Low, and Moderate Income Needing Affordable Housing That Subsequently Receive Housing or Housing-related Assistance	0.75%	0.74%
Percent of Households/Individuals of Very Low Income Needing Affordable Housing That Subsequently Receive Housing or Housing-related Assistance	0.27%	0.27%
Percent of Households/Individuals of Low Income Needing Affordable Housing That Subsequently Receive Housing or Housing-related Assistance	2.42%	2.41%
Percent of Households/Individuals of Moderate Income Needing Affordable Housing That Subsequently Receive Housing or Housing-related Assistance	0.15%	0.15%
<b>A.1.1. Strategy: MRB PROGRAM - SINGLE FAMILY</b>		
<b>Output (Volume):</b>		
Number of Households Assisted with Single Family Mortgage Revenue Bond Funds	2,000	2,000

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
(Continued)

<b>A.1.2. Strategy:</b> HOME PROGRAM - SINGLE FAMILY <b>Output (Volume):</b> Number of Households Assisted with Single Family HOME Funds	952	952
<b>A.1.3. Strategy:</b> HOUSING TRUST FUND - SINGLE FAMILY <b>Output (Volume):</b> Number of Single Family Households Assisted through the Single Family Housing Trust Fund Program	344	344
<b>A.1.4. Strategy:</b> SECTION 8 RENTAL ASSISTANCE <b>Output (Volume):</b> Number of Households Assisted through Statewide Housing Assistance Payments Program	1,100	1,100
<b>A.1.5. Strategy:</b> FEDERAL TAX CREDITS <b>Output (Volume):</b> Number of Households Assisted through the Housing Tax Credit Program	10,928	10,874
<b>A.1.6. Strategy:</b> HOME PROGRAM - MULTIFAMILY <b>Output (Volume):</b> Number of Households Assisted with Multifamily HOME Funds	262	262
<b>A.1.8. Strategy:</b> MRB PROGRAM - MULTIFAMILY <b>Output (Volume):</b> Number of Households Assisted through the Multifamily Mortgage Revenue Bond Program	1,627	1,611
<b>B. Goal: INFORMATION &amp; ASSISTANCE</b>		
<b>B.1.1. Strategy:</b> HOUSING RESOURCE CENTER <b>Output (Volume):</b> Number of Information and Technical Assistance Requests Completed	5,000	5,000
<b>B.2.1. Strategy:</b> COLONIA SERVICE CENTERS <b>Output (Volume):</b> Number of Technical Assistance Contacts and Visits Conducted Annually from the Border Field Offices	900	900
<b>C. Goal: POOR AND HOMELESS PROGRAMS</b>		
<b>Outcome (Results/Impact):</b> Percent of Persons in Poverty That Received Homeless and Poverty-related Assistance	12.35%	12.35%
Percent of Very Low Income Households Receiving Energy Assistance	5.28%	3.81%
<b>C.1.1. Strategy:</b> POVERTY-RELATED FUNDS <b>Output (Volume):</b> Number of Persons Assisted through Homeless and Poverty-related Funds	531,498	531,498
Number of Persons Assisted That Achieve Incomes above Poverty Level	2,800	2,800
<b>C.2.1. Strategy:</b> ENERGY ASSISTANCE PROGRAMS <b>Output (Volume):</b> Number of Households Assisted through the Comprehensive Energy Assistance Program	66,050	48,152
Number of Dwelling Units Weatherized by the Department	3,809	2,257
<b>D. Goal: ENSURE COMPLIANCE</b>		
<b>D.1.1. Strategy:</b> MONITOR HOUSING REQUIREMENTS <b>Output (Volume):</b> Total Number of Onsite Reviews Conducted	864	959
<b>D.1.2. Strategy:</b> MONITOR CONTRACT REQUIREMENTS <b>Output (Volume):</b> Total Number of Contract Monitoring Reviews Conducted	258	248
<b>E. Goal: MANUFACTURED HOUSING</b>		
<b>Outcome (Results/Impact):</b> Percent of Consumer Complaint Inspections Conducted within 30 Days of Request	100%	100%
Percent of Complaints Resulting in Disciplinary Action	12%	12%
<b>E.1.1. Strategy:</b> TITLING & LICENSING <b>Output (Volume):</b> Number of Manufactured Housing Statements of Ownership and Location (SOL) Issued	80,000	80,000
<b>E.1.2. Strategy:</b> INSPECTIONS <b>Explanatory:</b> Number of Installation Reports Received	13,000	13,000
<b>E.1.3. Strategy:</b> ENFORCEMENT <b>Output (Volume):</b> Number of Complaints Resolved	850	850



**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
(Continued)

<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	180	180
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	750	750

2. **Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Purchase of Information Technologies —		
Scheduled Replacement of Items	\$ 326,160	\$ 335,760
Total, Capital Budget	\$ 326,160	\$ 335,760
Method of Financing (Capital Budget):		
Community Affairs Federal Fund No. 127	\$ 91,340	\$ 121,368
Appropriated Receipts	234,820	214,392
Total, Method of Financing	\$ 326,160	\$ 335,760

3. **Low/Moderate Income Housing Construction.** Out of the funds appropriated above, no less than \$500,000 each year of the biennium shall be expended on low/moderate income housing construction in enterprise zone areas.
4. **Appropriations Limited to Revenue Collections.** Fees, fines, and other miscellaneous revenues as authorized and generated by the agency shall cover, at a minimum, the cost of the appropriations made above for the strategy items in Goal E, Manufactured Housing, the cost of the appropriations required for manufactured housing consumer claims payments according to the Occupations Code § 1201, Manufactured Housing Standards Act, as well as the "other direct and indirect costs" associated with this goal, appropriated elsewhere in this Act. "Other direct and indirect costs" for Goal E, Manufactured Housing, are estimated to be \$1,017,313 for fiscal year 2010 and \$1,095,786 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
5. **Housing Assistance.** To the extent allowed by state and federal program guidelines the department shall adopt an annual goal to apply no less than \$30,000,000 of the funds available from the Housing Trust Fund, HOME Program, Section 8 Program, and Housing Tax-Credit Program's total housing funds toward housing assistance for individuals and families earning less than 30 percent of the Area Median Family Income (AMFI). No less than 20 percent of the funds available from the Housing Trust Fund, HOME Program, Section 8 Program, and Housing Tax-Credit Program shall be spent for individuals and families earning between 31 percent and 60 percent of the area median family income. To the extent allowed by state and federal program guidelines in those counties where the area median family income is lower than the state average median family income, the department shall use the average state median income in interpreting this rider. The department shall provide an annual report to the Legislative Budget Board documenting its expenditures in each income category.
6. **Conversions of Executory Contracts.**
- a. Out of the funds appropriated above, the department shall spend not less than \$4,000,000 for the biennium for the sole purpose of contract for deed conversions for families that reside in a colonia and earn 60 percent or less of the applicable area median family income. It is the intent of the Legislature that the department shall make a good-faith effort to complete at least 200 contract for deed conversions by August 31, 2011.

## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

(Continued)

- b. The Department of Housing and Community Affairs shall provide a quarterly report to the Legislative Budget Board detailing the number of, and cost for each, contract for deed conversions completed.
7. **Bond Refinancing.** The department shall transfer any funds acquired through refinancing of bonds to the Housing Trust Fund. The first \$3,000,000 each fiscal year in savings from the refinancing of any bonds shall be used to fund mortgage loans under the Bootstrap Self-Help Housing Loan Program.
8. **Colonia Set-Aside Program Allocation.**<sup>4</sup> The Texas Department of Rural Affairs (TDRA) shall allocate 2.5 percent of the yearly allocation of Community Development Block Grant (CDBG) monies to support the operation of the Colonia Self-Help Centers and shall transfer such funds to the Department of Housing and Community Affairs on September 1 each year of the biennium.

Consistent with federal rules and regulations, the funds provided from TDRA to the Colonia Self-Help Center in El Paso county shall be used to provide internet access and training for parents and their children attending elementary schools in colonias, to establish technology centers within those elementary school libraries, to purchase wireless devices and laptop computers to loan out from the technology centers, and improve internet access for students and parents.

9. **Appropriation: Housing Trust Fund Interest Earnings and Loan Repayments.** Interest earnings and loan repayments received from loans made through the Housing Trust Fund program from the General Revenue Fund are included above in Strategy A.1.3, Housing Trust Fund - Single Family, estimated to be \$1,000,000 each year.
10. **Housing Trust Fund Deposits to the Texas Treasury Safekeeping Trust Company.**

- a. Out of funds appropriated above in Strategy A.1.3, Housing Trust Fund - Single Family, all funds above those retained for administrative purposes in fiscal year 2010 and fiscal year 2011 shall be deposited in the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306, at the beginning of each fiscal year. The amounts to be transferred in fiscal years 2010 and 2011 include an estimated \$1,000,000 in each fiscal year from interest earnings and loan repayments received, identified above in Rider 9, Appropriation: Housing Trust Fund Interest Earnings and Loan Repayments.
- b. Out of funds appropriated above in Strategy A.1.7, Housing Trust Fund - Multifamily, all funds above those retained for administrative purposes in fiscal year 2010 and fiscal year 2011 shall be deposited in the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306, at the beginning of each fiscal year.
- c. Interest earnings and loan repayments received from loans made through the Housing Trust Fund program from the General Revenue Fund shall be deposited in the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306, for the same purpose.
- d. The Department of Housing and Community Affairs shall provide an annual report to the Legislative Budget Board, the House Appropriations Committee, and the Senate Finance Committee no later than October 1 detailing the agency's plan to expend funds from the Housing Trust Fund during the current fiscal year.
- e. Notwithstanding limitations on appropriation transfers contained in the General Provisions of this Act, the Department of Housing and Community Affairs is hereby authorized to direct agency resources and transfer such amounts appropriated above, in excess of \$3,000,000 set aside for the Owner-Builder (Bootstrap) Loan Program established under Government Code, Chapter 2306, between Strategy A.1.3, Housing Trust Fund - Single Family and Strategy A.1.7, Housing Trust Fund - Multifamily. Prior to the agency making any transfers between these two strategies, they shall notify the Legislative Budget Board, and the Office of the Governor on the amounts being transferred and the reason for transferring funds between strategies.

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<sup>4</sup> HB 1918, 81<sup>st</sup> Legislature, Regular Session, changed the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs, effective September 1, 2009.

## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

(Continued)

- f. Out of funds appropriated above in Strategy A.1.3, Housing Trust Fund - Single Family and Strategy A.1.7, Housing Trust Fund - Multifamily, all funds above those retained for administrative purposes in fiscal year 2010 and fiscal year 2011 and above amounts required in Sections (a) and (b) of this rider, shall be deposited in the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306, no later than October 1 of each fiscal year.
  - g. At the end of each fiscal year, any unexpended administrative balances appropriated under Strategy A.1.3, Housing Trust Funds - Single Family and A.1.7, Housing Trust Fund - Multifamily shall be transferred to the Housing Trust Fund in the Texas Treasury Safekeeping Trust Company established under Government Code, Chapter 2306.
- 11. Mortgage Revenue Bond Program.** The Department of Housing and Community Affairs shall operate the First-Time Homebuyer Mortgage Revenue Bond Program in a manner that maximizes the creation of very low-income single family housing by ensuring that at least 30 percent of the lendable bond proceeds are set aside for a period of one year for individuals and families at 80 percent and below the area median family income (AMFI), while assuring the highest reasonable bond rating. In an effort to facilitate the origination of single family mortgage loans to individuals and families at 80 percent and below the AMFI, the department shall utilize down payment and closing cost assistance or other assistance methods.
- 12. Additional Appropriated Receipts.**
- a. Except during an emergency as defined by the Governor, no appropriation of appropriated receipts in addition to the estimated amounts above may be expended by the Department of Housing and Community Affairs unless:
    - (1) the department's governing board files a finding of fact along with a written plan outlining the source, use, and projected impact of the funds on performance measures with the Legislative Budget Board and the Governor and indicating that additional appropriations are required to maintain adequate levels of program performance; and,
    - (2) neither the Legislative Budget Board nor the Governor issue a written disapproval not later than 10 business days within receipt of the finding of fact and the written plan.
  - b. This provision does not apply to appropriated receipts included in the amounts appropriated above that are collected under Object Codes 3719 and 3802. Appropriated receipts collected under these revenue object codes are governed under provisions found in Article IX, Sec 8.03 and Article IX, Sec 12.02.
- 13. Manufactured Homeowner Consumer Claims.** Included above in Goal E, Manufactured Housing, the Manufactured Housing Division of the Department of Housing and Community Affairs is appropriated an amount required for the purpose of paying manufactured housing consumer claims from Appropriated Receipts according to the Occupations Code Chapter 1201, Manufactured Housing Standards Act, from Statement of Ownership and Location (SOL) issuance fees involving manufactured housing that are collected during the 2010-11 biennium. No General Revenue is appropriated for the payment of these claims.
- 14. CDBG Disaster Reporting Requirement.** The Department of Housing and Community Affairs shall provide a quarterly report to the Governor, the Legislative Budget Board, the House Appropriations Committee, the Senate Finance Committee and to those members of the Legislature representing counties eligible for Community Development Block Grant (CDBG) Disaster funding, detailing the receipt and expenditures of CDBG disaster funds received by the Department.
- 15. Affordable Housing Research and Information Program.**<sup>5</sup> Out of funds appropriated above in Strategy B.1.1, Housing Resource Center, the Department of Housing and Community Affairs shall conduct the Affordable Housing Research and Information Program with the assistance of the Texas Department of Rural Affairs, to the extent allowed by state law, in order to avoid a duplication of effort. It is the intent of the Legislature that no funds shall be transferred between the Department of Housing and Community Affairs and the Texas Department of Rural Affairs for this purpose.

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<sup>5</sup> HB 1918, 81<sup>st</sup> Legislature, Regular Session, changed the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs, effective September 1, 2009.

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
(Continued)

- 16. Reporting on Weatherization Efforts.** As part of its efforts to help low-income Texans eligible for weatherization to conserve energy and lower bills, Texas Department of Housing and Community Affairs (TDHCA) shall use funds appropriated above to coordinate with investor-owned utilities, from which TDHCA receives funds, and that offer energy efficiency programs for Texans meeting low-income eligibility criteria to make sure the monies available for low-income energy efficiency programs spent both through the agency and through utility programs are effectively and adequately spent. The TDHCA shall use funds appropriated above to produce an annual report with information about the number of low-income household benefiting from energy efficiency monies through state, federal and utility-funded programs, the amount overall electric energy saved, the amount of money saved and the number of job and job years created. A copy of the annual report shall be delivered to the Lieutenant Governor, Speaker and Governor, as well as made available on TDHCA's website by January 15th of 2010 and January 15th of 2011.
- 17. Capacity Building Performance Measures.** Out of funds appropriated above in Strategy A.1.3, Housing Trust Fund - Single Family and Strategy A.1.7, Housing Trust Fund - Multifamily, the agency shall develop or contract to develop a performance measure assessment tool for any organization receiving awards for the purpose of capacity building. The assessment tool must prioritize housing unit production as a key measure along with other benchmarks including board capacity, human resources, fundraising, grants, households served, and financial administration. Prior to any transfers pursuant to Rider 10, Housing Trust Fund Deposits to the Texas Treasury Safekeeping Trust Company, the agency shall use funds necessary from appropriations in Strategy A.1.3, Housing Trust Fund - Single Family and Strategy A.1.7, Housing Trust Fund - Multifamily for these purposes.
- 18. Homeless Housing and Services.** Out of funds appropriated above in Strategy C.1.1, Poverty-Related Funds, \$10,000,000 in each fiscal year in General Revenue is hereby appropriated to the Department of Housing and Community Affairs (TDHCA) for the purposes of assisting regional urban areas in providing services to homeless individuals and families, including services such as case management, and housing placement and retention. Pursuant to Government Code, Section 2306.053, funding for this program shall be awarded by TDHCA through a competitive matching grant process whereby the eight largest cities may seek additional funding for this purpose. The agency shall distribute these funds to the eight largest cities with populations larger than 285,500 persons per the latest U.S. Census figures.
- 19. Financial Assistance for Local Initiatives Regarding the Homeless.** It is the intent of the Legislature that the Department of Housing and Community Affairs:
- (1) use funds appropriated to the department under this Act to provide financial assistance to political subdivisions, housing finance corporations, for-profit corporations, and nonprofit organizations to support local initiatives regarding homeless individuals and families; and
- (2) seek any federal funding available for the purpose of providing financial assistance described by subdivision (1).
- 20. Travel Expenditures.** Out of the funds appropriated to the Department of Housing and Community Affairs authorized for out-of-state travel. This limitation shall not apply to out-of-state travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.

**TEXAS LOTTERY COMMISSION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 15,546,681	\$ 15,520,280
GR Dedicated - Lottery Account No. 5025	<u>183,361,743</u>	<u>179,785,075</u>
<b>Total, Method of Financing</b>	<u>\$ 198,908,424</u>	<u>\$ 195,305,355</u>

<sup>1</sup> Incorporates Article IX, § 17.44, of this Act, due to the enactment of HB 1474, 81<sup>st</sup> Legislature, Regular Session, relating to the operation and regulation of charitable bingo, resulting in an increase in General Revenue Funds of \$156,004 in FY 2010 and \$129,604 in FY 2011 and 3.0 FTEs in each fiscal year contingent upon the agency generating sufficient revenue.

**TEXAS LOTTERY COMMISSION**  
(Continued)

<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 711,815	\$ 734,986
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**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

Number of Full-Time-Equivalents (FTE): <sup>2</sup>	321.5	321.5
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**Schedule of Exempt Positions:**

Executive Director, Group 6	\$140,900	\$140,900
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**Items of Appropriation:**

**A. Goal: OPERATE LOTTERY**

Run Self-supporting, Revenue-producing, and Secure Lottery.

A.1.1. Strategy: LOTTERY OPERATIONS	\$ 7,319,563	\$ 7,406,915
A.1.2. Strategy: LOTTERY FIELD OPERATIONS	\$ 2,455,896	\$ 2,456,528
A.1.3. Strategy: MARKETING AND PROMOTION	\$ 4,867,823	\$ 4,853,392
A.1.4. Strategy: SECURITY	\$ 4,951,568	\$ 4,607,989
A.1.5. Strategy: CENTRAL ADMINISTRATION	\$ 12,555,416	\$ 11,407,343
A.1.6. Strategy: LOTTERY OPERATOR CONTRACT(S) Lottery Operator Contract(s). Estimated and Nontransferable.	\$ 96,444,477	\$ 94,285,908
A.1.7. Strategy: INSTANT TICKET PRODUCT. CONTRACT(S) Instant Ticket Production Contract(s).	\$ 18,000,000	\$ 18,000,000
A.1.8. Strategy: MASS MEDIA ADVERTISING CONTRACT(S)	\$ 30,000,000	\$ 30,000,000
A.1.9. Strategy: DRAWING & BROADCAST CONTRACT(S) Drawing and Broadcast Services Contract(s).	\$ 1,800,000	\$ 1,800,000
A.1.10. Strategy: MARKET RESEARCH CONTRACT(S) Market Research Services Contract(s).	\$ 767,000	\$ 767,000
A.1.11. Strategy: RETAILER BONUS	<u>\$ 4,200,000</u>	<u>\$ 4,200,000</u>

<b>Total, Goal A: OPERATE LOTTERY</b>	<u>\$ 183,361,743</u>	<u>\$ 179,785,075</u>
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**B. Goal: ENFORCE BINGO LAWS**

Enforce Bingo Laws/Rules for Fairness to Ensure Proceeds Used Lawfully.

B.1.1. Strategy: BINGO LICENSING <sup>2</sup> Determine Eligibility and Process Applications.	\$ 936,954	\$ 910,553
B.1.2. Strategy: BINGO EDUCATION AND DEVELOPMENT Provide Education and Training for Bingo Regulatory Requirements.	\$ 160,604	\$ 160,604
B.1.3. Strategy: BINGO LAW COMPLIANCE FIELD OPER Bingo Law Compliance Field Operations.	\$ 1,602,981	\$ 1,602,981
B.1.4. Strategy: BINGO PRIZE FEE COLLECTION & ACCT Bingo Prize Fee Collections and Accounting.	\$ 210,642	\$ 210,642
B.1.5. Strategy: BINGO PRIZE FEE ALLOCATIONS Bingo Prize Fee Allocations. Estimated and Nontransferable.	<u>\$ 12,635,500</u>	<u>\$ 12,635,500</u>

<b>Total, Goal B: ENFORCE BINGO LAWS</b>	<u>\$ 15,546,681</u>	<u>\$ 15,520,280</u>
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<b>Grand Total, TEXAS LOTTERY COMMISSION</b>	<u>\$ 198,908,424</u>	<u>\$ 195,305,355</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 19,247,712	\$ 19,247,712
Other Personnel Costs	456,480	456,480
Professional Fees and Services	6,108,057	5,138,809
Fuels and Lubricants	5,000	5,000
Consumable Supplies	161,125	161,125
Utilities	473,081	473,081
Travel	492,198	492,198

<sup>2</sup> Incorporates Article IX, § 17.44, of this Act, due to the enactment of HB 1474, 81<sup>st</sup> Legislature, Regular Session, relating to the operation and regulation of charitable bingo, resulting in an increase in General Revenue Funds of \$156,004 in FY 2010 and \$129,604 in FY 2011 and 3.0 FTEs in each fiscal year contingent upon the agency generating sufficient revenue.

**TEXAS LOTTERY COMMISSION**  
(Continued)

Rent - Building	3,335,343	3,421,901
Rent - Machine and Other	1,818,863	1,818,863
Other Operating Expense	153,603,967	151,439,422
Grants	12,635,500	12,635,500
Capital Expenditures	<u>571,098</u>	<u>15,264</u>

**Total, Object-of-Expense Informational Listing** \$ 198,908,424    \$ 195,305,355

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 1,135,579	\$ 1,152,613
Group Insurance	2,075,229	2,232,392
Social Security	1,341,112	1,361,228
Benefits Replacement	<u>128,691</u>	<u>122,256</u>

Subtotal, Employee Benefits \$ 4,680,611    \$ 4,868,489

Debt Service

Lease Payments	<u>\$ 30,852</u>	<u>\$ 30,941</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 4,711,463    \$ 4,899,430

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas Lottery Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas Lottery Commission. In order to achieve the objectives and service standards established by this Act, the Texas Lottery Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: OPERATE LOTTERY</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Retailers Satisfied with Lottery Commission	93%	93%
State Revenue Received Per Advertising Dollar Expended	32.71	31.53
<b>A.1.1. Strategy: LOTTERY OPERATIONS</b>		
<b>Output (Volume):</b>		
Number of Retailer Business Locations Licensed	16,500	16,500
<b>A.1.3. Strategy: MARKETING AND PROMOTION</b>		
<b>Efficiencies:</b>		
Average Cost Per Survey Issued	1.67	1.67
<b>A.1.8. Strategy: MASS MEDIA ADVERTISING CONTRACT(S)</b>		
<b>Output (Volume):</b>		
Dollar Amount of Advertising Budget Spent on Television Advertising (Millions)	11.45	11.45
<b>Efficiencies:</b>		
Percentage of Adult Texans Aware of Lottery Advertising	64%	64%
<b>B. Goal: ENFORCE BINGO LAWS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Referred for Disciplinary Action	33.33%	33.33%
Net Bingo Games Revenue Received by Charitable Organizations (in Millions)	31.2	31.2
Percentage of Organizations Who Met the Statutory Charitable Distribution Requirement	99%	99%
<b>B.1.1. Strategy: BINGO LICENSING</b>		
<b>Output (Volume):</b>		
Number of Licenses Issued to Individuals and Organizations	7,000	7,000
<b>B.1.3. Strategy: BINGO LAW COMPLIANCE FIELD OPER</b>		
<b>Output (Volume):</b>		
Number of Bingo Complaints Completed	126	126
<b>B.1.4. Strategy: BINGO PRIZE FEE COLLECTION &amp; ACCT</b>		
<b>Output (Volume):</b>		
Number of Days to Allocate Payments to Local Jurisdictions	12	12

**TEXAS LOTTERY COMMISSION**  
(Continued)

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in the provision as appropriations either for "Lease Payments to the Master Equipment Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by commission management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Telephone System Upgrade	\$ 140,000	\$ 0
b. Acquisition of Capital Equipment and Items		
(1) Capitalized Lottery Drawing Equipment	300,000	0
(2) Studio Surveillance System	\$ 131,098	\$ 15,264
 Total, Acquisition of Capital Equipment and Items	\$ 431,098	\$ 15,264
 Total, Capital Budget	\$ 571,098	\$ 15,264
 Method of Financing (Capital Budget):		
GR Dedicated - Lottery Account No. 5025	\$ 571,098	\$ 15,264
 Total, Method of Financing	\$ 571,098	\$ 15,264

- 3. Operate Lottery.** Pursuant to Government Code, Chapter 466, appropriations made to Goal A, Operate Lottery, shall not exceed twelve percent of the gross revenue from the sale of lottery tickets. This appropriation shall be used for the administration of the lottery and for retailer commissions.
- 4. Appropriation: Payment of Prizes.** In addition to the amounts appropriated above for the administration of the lottery and retailer commissions, there is hereby appropriated pursuant to Government Code, Chapter 466, out of the State Lottery Account in the General Revenue Fund, sufficient funds for the payment of prizes to the holders of winning tickets.
- 5. Limitation: Pooled Reserve Fund.** Pursuant to Government Code, Chapter 466, the Executive Director of the Texas Lottery Commission shall maintain balances in a pooled reserve fund to cover the potential loss of state revenue as a result of lottery retailer defaults. The Executive Director of the Texas Lottery Commission shall transfer all pooled reserve fund revenues and balances that exceed \$5 million to the Foundation School Fund No. 193 monthly.
- 6. Limitation: Out-of-Country and Out-of-State Travel.** Notwithstanding any other provisions included in this Act, it is the intent of the Legislature that the Texas Lottery Commission shall not be allowed to travel out-of-country, with the exception of travel to Mexico or Canada which is reimbursable by a third party. In addition, the Texas Lottery Commission shall not exceed amounts expended on out-of-state travel, for each fiscal year of the biennium, by an amount equal to 80 percent of travel expenditure amounts for fiscal year 1998.
- 7. Appropriations Limited to Revenue Collections.** Fees, fines, and other miscellaneous revenues as authorized and generated by the operation of charity bingo shall cover, at a minimum, the cost of the appropriations made above for the strategy items in Goal B, Enforce Bingo Laws, as well as the "other direct and indirect costs" associated with this goal, appropriated elsewhere in this Act. "Other direct and indirect costs" for Goal B, Enforce Bingo Laws, are estimated to be \$711,815 for fiscal year 2010 and \$734,986 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
- 8. Petty Cash Fund Authorized.** The Texas Lottery Commission is authorized to establish a petty cash fund to be used by Commission employees for the purchase of evidence and/or information

**TEXAS LOTTERY COMMISSION**  
(Continued)

and other expenses deemed necessary for agency security and enforcement activities, including audits and expenses, incurred by auditing. The petty cash fund, not to exceed \$1,500, may be maintained in cash or at a local bank and shall be subject to such rules and regulations as the executive director may recommend and the commission may adopt.

- 9. Local Bingo Prize Fees.** The amounts appropriated above in Strategy B.1.5, Bingo Prize Fee Allocations, include \$12,635,500 in 2010 and \$12,635,500 in 2011 from bingo prize fees collected pursuant to Texas Occupations Code, Section 2001.504 for allocation to counties and municipalities as required by the Texas Occupations Code, Section 2001.503. Bingo prize fees collected in excess of amounts appropriated above are hereby appropriated for the same purpose.
- 10. Retailer Commissions.**
- a. Pursuant to Government Code, Chapter 466, an amount equal to 5 percent of gross sales shall be made available for the purpose of paying retailer commissions.
  - b. In addition to the 5 percent retailer commission amount in subsection (a) above, an amount not to exceed an additional one-half of one percent of gross sales each fiscal year may be made available for the purpose of paying sales performance retailer commissions. Prior to providing an additional retail commission above 5 percent of gross sales, the Texas Lottery Commission shall provide a report to the Governor and the Legislative Budget Board outlining the Texas Lottery Commission's plans to implement a retailer sales performance commission or similar sales performance incentive program and the projected benefits of the program to lottery ticket sales and state revenues.
- 11. Lottery Operator Contract.** The amounts included above in Strategy A.1.6, Lottery Operator Contract, are estimated appropriations out of the State Lottery Account in the General Revenue Fund and may only be used for payment of lottery operator contractual obligations. The estimated amount appropriated for fiscal year 2010 is an amount equal to 2.6999 percent of gross sales in fiscal year 2010; and the estimated amount appropriated in fiscal year 2011 is an amount equal to 2.6999 percent of gross sales in fiscal year 2011.
- 12. Appropriation of Increased Revenues.** In addition to the amounts appropriated above, there is hereby appropriated out of the State Lottery Account in the General Revenue Fund, an amount equal to 1.49 percent of the amount by which gross sales exceed \$3,572,150,000 in fiscal year 2010 and the amount by which gross sales exceed \$3,492,200,000 in fiscal year 2011 for the purpose of fulfilling contractual obligations and other administrative costs in administration of the Lottery. Any unexpended balances remaining from this appropriation as of August 31, 2010, are hereby appropriated for the same purposes for the fiscal year beginning September 1, 2010.
- 13. Instant Ticket Game Closure.** The commission shall provide a semi-annual report on April 1 and October 1 of each fiscal year, to the Legislative Budget Board detailing the number of instant ticket games closed and the amount of time to end the sale of each game following closure.
- 14. Sale of Lottery.** None of the funds appropriated above may be spent for the purpose of exploring, investigating, negotiating, calculating, or otherwise taking any action that would result in selling the Texas Lottery.
- 15. Adjustment to Appropriated Amounts.** In the event the Texas Lottery Commission determines that activities, which have previously been outsourced through the Lottery Operator Contract, should be operated by the agency or multiple vendors in order to ensure greater accountability or improved services, the Texas Lottery Commission may, upon written approval from the Governor and the Legislative Budget Board, exceed:
- a. the appropriation transferability restriction on Strategy A.1.6, Lottery Operator Contract(s);
  - b. the transfer restrictions included under Article IX, Sec. 14.01, Appropriation Transfers;
  - c. the number of Full-Time-Equivalent position restrictions under the Article IX, Sec. 6.10, Limitation on State Employment Levels; and
  - d. the capital budget restrictions included under Article IX, Sec. 14.03, Limitation on Expenditures - Capital Budget. A request by the Texas Lottery Commission to the Governor and LBB to exceed the limitations listed above must be submitted by the agency's governing board and must include at minimum:



**TEXAS LOTTERY COMMISSION**  
(Continued)

- (1) the date on which the board approved the request;
- (2) a statement justifying the need to exceed all appropriation transfer limitations;
- (3) a statement justifying the need to exceed the full-time equivalent position limitation;
- (4) a statement justifying the need to exceed the capital budget restriction;
- (5) the source of funds of the appropriation adjustment; and
- (6) a justification for the commission or multiple vendors to perform the activities previously outsource through the Lottery Operator Contract.

**16. Contingent Capital Budget Increase.** Contingent upon the Texas Lottery Commission realizing an increase in appropriated revenues and receiving a certification from the Comptroller of Public Accounts that additional appropriations in the amount of \$2,500,000 or more are available to the Texas Lottery Commission from Rider 12, Appropriation of Increased Revenue, the capital budget authority for the Texas Lottery Commission may be increased by \$2,500,000 for the acquisition of an Automated Charitable Bingo System, and appropriations from Rider 12, Appropriation of Increased Revenue, may be used to acquire this capital budget item.

**DEPARTMENT OF MOTOR VEHICLES<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 0	\$ 16,445,711
State Highway Fund No. 006	0	125,630,222
Federal Funds	<u>0</u>	<u>665,700</u>
<b>Total, Method of Financing</b>	<u>\$ 0</u>	<u>\$ 142,741,633</u>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	4.0	626.0
<b>Items of Appropriation:</b>		
<b>A. Goal: DEPARTMENT OF MOTOR VEHICLES</b>		
<b>A.1.1. Strategy: REGISTRATION AND TITLING</b>	\$ 0	\$ 121,073,393
<b>A.1.2. Strategy: VEHICLE DEALER REGULATION</b>	\$ 0	\$ 6,453,885
<b>A.1.3. Strategy: AUTOMOBILE THEFT PREVENTION</b>	\$ 0	\$ 15,214,355
		<u>&amp; UB</u>
<b>Total, Goal A: DEPARTMENT OF MOTOR VEHICLES</b>	<u>\$ 0</u>	<u>\$ 142,741,633</u>
<b>Grand Total, DEPARTMENT OF MOTOR VEHICLES</b>	<u>\$ 0</u>	<u>\$ 142,741,633</u>
<b>Supplemental Appropriations Made in Riders:</b>	\$ 200,000	\$ 0
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 0	\$ 24,788,192

<sup>1</sup> Incorporates Article IX, § 17.30, of this Act, due to the enactment of HB 3097, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles, resulting in an appropriation of \$200,000 in General Revenue Funds and 4.0 FTEs in each fiscal year and the transfer of \$16,445,711 in General Revenue Funds, \$665,700 in Federal Funds, and \$125,630,222 in State Highway Funds, and an estimated 622.0 FTEs in FY 2011 to the Department of Motor Vehicles from the Department of Transportation. For FY 2010, all unexpended funds and FTEs appropriated to the Department of Transportation for Strategies D.1.2, Registration and Titling, D.1.3, Vehicle Dealer Regulation, and D.4.1, Automobile Theft Prevention, will be transferred to the Department of Motor Vehicles on November 1, 2009. Pursuant to Article IX, § 17.30, all transfers are subject to approval by the Legislative Budget Board.



**DEPARTMENT OF MOTOR VEHICLES**  
(Continued)

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Vision 21 - Core System	\$ 0	\$ 30,073,136
Total, Capital Budget	\$ 0	\$ 30,073,136
Method of Financing (Capital Budget):		
State Highway Fund No. 006	\$ 0	\$ 30,073,136
Total, Method of Financing	\$ 0	\$ 30,073,136

- 3. Appropriation Balances: Registration and Titling.**<sup>3</sup> Any unobligated balance remaining after the first year of the biennium in Strategy A.1.1, Registration and Titling, above for the purpose of purchasing insignia stickers for registration and vehicle license plates, and enhancing the automated registration and titling system in accordance with the provisions of Transportation Code, Chapter 502, may be used for the same purpose during the second year of the biennium. Any expended amounts from revenue collected as a result of Transportation Code § 502.1705 may be used to enhance the department's automated registration and titling system, and the capital budget appropriations may be increased by a like amount.
- 4. Auto Burglary and Theft Prevention.**<sup>3</sup> The Department of Motor Vehicles shall prioritize awarding Auto Burglary and Theft Prevention program grants to areas of the state based on a geographic distribution and shall include language in grant applications clarifying that funding from each grant is only awarded for the life of the grant.
- 5. Unexpended Balance Appropriation: Motor Vehicle Financial Responsibility.**<sup>3</sup> Any unexpended balances in State Highway Fund No. 006 remaining as of August 31, 2009 (estimated to be \$0), from the appropriation made to the Department of Transportation in Rider 35, Unexpended Balance Appropriation: Motor Vehicle Financial Responsibility, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007, for the implementation of a motor vehicle financial responsibility verification program, are hereby appropriated to the Department of Motor Vehicles in Strategy A.1.1, Registration and Titling, in the fiscal year beginning September 1, 2009, for the same purpose. Any unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated to the Department of Motor Vehicles in Strategy A.1.1, Registration and Titling, in the fiscal year beginning September 1, 2010, for the same purpose.
- 6. Unexpended Balance Appropriation: Organ Donor Program - Voluntary Fee.**<sup>3</sup> Any unexpended balances in State Highway Fund No. 006 remaining as of August 31, 2009 (estimated to be \$0), from the appropriation made to the Department of Transportation in Rider 36, Unexpended Balance Appropriation: Organ Donor Program - Voluntary Fee, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007, for the creation of a donor education, awareness, and registry program and tissue council and anatomical gift donation, are hereby appropriated to the Department of Motor Vehicles in Strategy A.1.1, Registration and Titling, in the fiscal year beginning September 1, 2009, for the same purpose. Any unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated to the Department of Motor Vehicles in Strategy A.1.1, Registration and Titling, in the fiscal year beginning September 1, 2010, for the same purpose.
- 7. Appropriation of Special License Plate Fees.**<sup>3</sup> In addition to amounts appropriated above in Strategy A.1.1, Registration and Titling, fees collected from the sale of personalized and specialty license plates (Object Code 3014) and deposited to the credit of State Highway Fund No. 006 for the purposes of making contract payments to the vendor selected by the Department of Motor Vehicles for the marketing and sale of personalized and specialty license plates pursuant to Transportation Code §§ 504.851 and 504.852 are hereby appropriated for the same purpose. Any unobligated or unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated in the fiscal year beginning September 1, 2010, for the same purpose.

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<sup>3</sup> Selected performance measures, capital budget authority for selected projects, and riders are transferred to the Department of Motor Vehicles from the Department of Transportation pursuant to the enactment of HB 3097, 81<sup>st</sup> Legislature, Regular Session, and Article IX, § 17.30.

# TEXAS DEPARTMENT OF RURAL AFFAIRS<sup>1</sup>

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:<sup>2</sup></b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 7,984,496	\$ 7,970,779
GR Match for Community Development Block Grants	1,803,803	1,777,427
Subtotal, General Revenue Fund	\$ 9,788,299	\$ 9,748,206
GR Dedicated - Permanent Fund Rural Health Facility Capital Improvement Account No. 5047	2,100,000	2,100,000
<u>Federal Funds</u>		
Texas Department of Rural Affairs Federal Fund No. 5091	76,429,088	76,279,088
Federal Funds	1,727,390	1,727,390
Subtotal, Federal Funds	\$ 78,156,478	\$ 78,006,478
<u>Other Funds</u>		
Appropriated Receipts	449,303	449,303
Interagency Contracts	59,500	59,500
Permanent Endowment Fund for Rural Communities Health Care Investment Program	145,000	145,000
Subtotal, Other Funds	\$ 653,803	\$ 653,803
<b>Total, Method of Financing</b>	<b>\$ 90,698,580</b>	<b>\$ 90,508,487</b>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	64.0	62.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$106,500	\$106,500
<b>Items of Appropriation:</b>		
<b>A. Goal: COMMUNITY ECONOMIC DEVELOPMENT</b>		
Support Community and Econ Development, Housing and Health Projects.		
<b>A.1.1. Strategy: PROVIDE GRANTS</b>	\$ 82,081,967	\$ 81,905,591
Provide Grants for Community and Economic Development Projects.		
<b>B. Goal: EQUITABLE ACCESS TO MEDICAL CARE</b>		
Promote Equitable Access to Medical Care and Eliminate Disparities.		
<b>B.1.1. Strategy: HEALTH CARE ACCESS PROGRAMS</b>	\$ 4,027,170	\$ 4,020,128
Develop Programs to Increase Access to Health Care in Rural Areas.		
<b>B.1.2. Strategy: RURAL PHYSICIAN RELIEF PROGRAM</b>	\$ 166,176	\$ 166,176
Rural Physician Relief Program. Nontransferable.		
<b>B.2.1. Strategy: HEALTH FACILITY CAPITAL IMPROVEMENT</b>	\$ 2,037,000	\$ 2,037,000
Rural Health Facility Capital Improvements.		
<b>Total, Goal B: EQUITABLE ACCESS TO MEDICAL CARE</b>	<b>\$ 6,230,346</b>	<b>\$ 6,223,304</b>
<b>C. Goal: OUTREACH AND ASSISTANCE</b>		
<b>C.1.1. Strategy: RURAL POLICY AND RESEARCH</b>	\$ 165,928	\$ 163,036
Emergency Services Districts Assistance.		
<b>C.1.2. Strategy: EMERGENCY SERVICES DISTRICTS</b>	\$ 154,945	\$ 154,945
Emergency Services Districts Assistance.		

<sup>1</sup> HB 1918, 81<sup>st</sup> Legislature, Regular Session, changed the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs, effective September 1, 2009.

<sup>2</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency Article XII includes a Federal Funds increase of \$19,500,000 in FY 2010 resulting in a net All Funds appropriation of \$110,198,580 in FY 2010.

**TEXAS DEPARTMENT OF RURAL AFFAIRS**  
(Continued)

<b>C.1.3. Strategy:</b> RENEWABLE ENERGY OUTREACH	\$ 1,574,545	\$ 1,574,545
<b>Total, Goal C:</b> OUTREACH AND ASSISTANCE	<u>\$ 1,895,418</u>	<u>\$ 1,892,526</u>
<b>D. Goal:</b> INDIRECT ADMINISTRATION		
<b>D.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 411,510	\$ 409,180
<b>D.1.2. Strategy:</b> INFORMATION RESOURCES	<u>\$ 79,339</u>	<u>\$ 77,886</u>
<b>Total, Goal D:</b> INDIRECT ADMINISTRATION	<u>\$ 490,849</u>	<u>\$ 487,066</u>
<b>Grand Total, TEXAS DEPARTMENT OF RURAL AFFAIRS</b>	<u><u>\$ 90,698,580</u></u>	<u><u>\$ 90,508,487</u></u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 3,777,207	\$ 3,625,077
Other Personnel Costs	205,390	203,640
Professional Fees and Services	491,896	490,896
Consumable Supplies	53,002	52,002
Utilities	33,725	31,725
Travel	423,300	442,962
Rent - Building	36,646	36,646
Rent - Machine and Other	39,732	39,732
Other Operating Expense	550,074	443,641
Client Services	836,906	836,906
Grants	84,232,582	84,232,582
Capital Expenditures	<u>18,120</u>	<u>72,678</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 90,698,580</u></u>	<u><u>\$ 90,508,487</u></u>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 262,120	\$ 266,052
Group Insurance	453,102	486,393
Social Security	342,230	347,363
Benefits Replacement	<u>21,612</u>	<u>20,531</u>
Subtotal, Employee Benefits	<u>\$ 1,079,064</u>	<u>\$ 1,120,339</u>

Debt Service

Lease Payments	<u>\$ 12,453</u>	<u>\$ 11,947</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

<u>\$ 1,091,517</u>	<u>\$ 1,132,286</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas Department of Rural Affairs. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas Department of Rural Affairs. In order to achieve the objectives and service standards established by this Act, the Texas Department of Rural Affairs shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: COMMUNITY ECONOMIC DEVELOPMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of the Small Communities' Population Benefiting from Public Facility, Economic Development, Housing Assistance and Planning Projects	39%	39%
<b>A.1.1. Strategy: PROVIDE GRANTS</b>		
<b>Output (Volume):</b>		
Number of New Community/Economic Development Contracts Awarded	335	335
Number of Projected Beneficiaries from New Community/Economic Development Contracts Awarded	517,000	517,000
Number of Programmatic Monitoring Visits Conducted	295	295
<b>B. Goal: EQUITABLE ACCESS TO MEDICAL CARE</b>		
<b>Outcome (Results/Impact):</b>		
Ratio of Rural County Population to Number of Health Care Professionals in Rural Counties	1,300	1,300

**TEXAS DEPARTMENT OF RURAL AFFAIRS**  
(Continued)

**B.1.1. Strategy: HEALTH CARE ACCESS PROGRAMS**

**Output (Volume):**

Number of Primary Care Practitioners Recruited/Retained in Rural Areas	42	42
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**B.2.1. Strategy: HEALTH FACILITY CAPITAL IMPROVEMENT**

**Output (Volume):**

Number of Low Interest Loans and Grants Awarded	36	36
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- 2. Capital Budget.** None of the funds appropriated may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Scheduled Replacement of Computer Hardware	\$ 18,120	\$ 176,651
Total, Capital Budget	\$ 18,120	\$ 176,651

Method of Financing (Capital Budget):

General Revenue Fund	\$ 4,224	\$ 41,269
Federal Funds	673	6,107
Texas Department of Rural Affairs Federal Fund No. 5091	10,000	108,048
GR Match for Community Development Block Grants	3,223	21,227
Total, Method of Financing	\$ 18,120	\$ 176,651

- 3. Administrative Allocation: Councils of Governments.** From the federal administrative monies made available to the Texas Department of Rural Affairs under the Community Development Block Grant Program, an amount up to 19 percent of such monies shall be allocated for the councils of government, based upon agreements between the Texas Department of Rural Affairs and each council of government, to continue staff support to the 24 Regional Review Committees of local elected officials appointed by the Governor and/or for other technical assistance services so long as the staff support activities comply with the rules, policies, and standards established by the U.S. Department of Housing and Urban Development.

**4. Estimated Appropriation and Unexpended Balance.**

- a. The estimated amounts appropriated above out of the Permanent Endowment Fund for Rural Communities Healthcare Investment Program, are out of the amounts available for distribution or investment returns of the funds. Amounts available for distribution or investment returns in excess of the amounts estimated above are also appropriated to the Texas Department of Rural Affairs. In the event that amounts available for distribution or investment returns are less than the amounts estimated above, this Act may not be construed as appropriating funds to make up the difference. Any unexpended appropriations made above as of August 31, 2010, are hereby appropriated for the same purposes for fiscal year 2011.
- b. The estimated amounts appropriated above out of the Permanent Fund for Rural Health Facility Capital Improvement are out of the available earnings of the fund. Available earnings in excess of the amounts estimated above are appropriated to the Texas Department of Rural Affairs. In the event that amounts available for distribution or investment returns are less than the amounts estimated above, this Act may not be construed as appropriating funds to make up the difference. Any unexpended appropriations made above as of August 31, 2010, are hereby appropriated for the same purposes for fiscal year 2011.

**TEXAS DEPARTMENT OF RURAL AFFAIRS**  
(Continued)

**5. Limitation on Use of Funds.**

- a. State agencies that are appropriated funds from the receipts collected pursuant to the Comprehensive Tobacco Settlement Agreement and Release, including distributions from funds, shall submit a budget by November 1 of each year of the biennium to the Legislative Budget Board and the Governor. This budget shall describe the purposes and amounts for which such funds will be expended by the state agency. No funds described in this budget may be expended by the state agency or institution of higher education until the Legislative Budget Board and the Governor receive the budget.
- b. Authorized managers of permanent funds and endowments whose earnings are appropriated to the Texas Department of Rural Affairs shall provide a copy of year end financial reports to the Legislative Budget Board and the Governor by November 1 of each year of the biennium. These reports should include, at a minimum, an income statement and balance sheet for each fund, and a summary of the investment return of the fund during the preceding fiscal year.

**6. Coordination with Texas Water Development Board.** The Texas Department of Rural Affairs (TDRA) and the Texas Water Development Board (TWDB) shall continue to coordinate funds as outlined in a Memorandum of Understanding (MOU) so as to assure that none of the funds appropriated above are expended in a manner that aids the proliferation of colonias or are otherwise used in a manner inconsistent with the intent of the Economically Distressed Areas Program (EDAP) operated by the Texas Water Development Board (TWDB), and maximize delivery of the funds and minimize administrative delay in their expenditure. The MOU shall be amended, if necessary, prior to the distribution of the Colonia Fund in fiscal years 2010 and 2011. None of the funds appropriated above for Strategy A.1.1, Provide Grants, may be expended in EDAP-eligible counties that have not adopted, or not enforcing, the Model Subdivision Rules established pursuant to § 16.343 of the Water Code. No later than September 15, 2010, TDRA and the TWDB shall submit a joint report to the Legislative Budget Board that describes and analyzes the effectiveness of projects funded as a result of coordinated Colonia Fund/EDAP efforts including an estimate of the amount each agency has saved by reduced duplication of efforts. If there is an insufficient number of TWDB EDAP projects ready for Colonia Economically Distressed Areas Program (CEDAP) connection funding, the CEDAP funds may be transferred at TDRA's discretion as stated within the current Community Development Block Grant action plan.

**7. Colonia Set-Aside Program Allocation.** The Texas Department of Rural Affairs (TDRA) shall continue the Community Development Block Grant (CDBG) Colonia Set-Aside Program by allocating not less than 10 percent of the yearly allocation of CDBG funds for eligible activities to assist in providing for the housing, planning, and infrastructure needs in colonias. From this 10 percent yearly allocation, \$2,000,000 shall be reserved to provide financial assistance to units of general local government located in economically distressed areas as defined by § 17.921, Water Code, to pay for residential service lines, hookups, and plumbing improvements associated with being connected to a water supply or sewer service system, any part of which is financed under the economically distressed areas program established under Subchapter J, Chapter 16, Water Code and Subchapter K, Chapter 17, Water Code.

In addition, TDRA shall allocate 2.5 percent of the CDBG monies to support the operation of the Colonia Self-Help Centers and shall transfer such funds to the Department of Housing and Community Affairs.

**8. Administration of Public Health Funds.** Funds are appropriated above out of the Permanent Fund for Rural Health Facility Capital Improvement for the purpose of implementing House Bill 1676, Seventy-sixth Legislature, 1999. In no event shall the administrative costs to implement the provisions of the bill exceed three percent. Grants and program costs must compose at least 97 percent of the expenditures to implement the provisions of the bill.

**9. Informational Listing - Permanent Funds and Endowments.** The following is an informational list of the amounts used to capitalize certain Permanent Funds and Endowments created by House Bill 1676, Seventy-sixth Legislature and by Senate Bill 126, Seventy-seventh Legislature, and does not make appropriations.

Permanent Fund for Rural Health Facility Capital Improvement (Rural Hospital Infrastructure)	\$	50,000,000
Permanent Endowment Fund for the Rural Communities Healthcare Investment Program	\$	2,500,000

**TEXAS DEPARTMENT OF RURAL AFFAIRS**  
(Continued)

- 10. Unexpended Balances, Grants, and Contracts.** Any unexpended and unobligated general revenue balances remaining from amounts appropriated above as of August 31, 2010 are hereby appropriated to the Texas Department of Rural Affairs for the fiscal year beginning September 1, 2010 for the same purposes.
- 11. Appropriation of Loan Repayments.** Loan repayments, interest, and reimbursements of expenses received by the Texas Department of Rural Affairs pursuant to Government Code, Chapter 487, are hereby appropriated to the agency as Appropriated Receipts in the 2010-11 biennium for the same purpose. The Texas Department of Rural Affairs may also expend these funds for the purpose of reimbursing community matching fund contributions for forgivable educational loans made pursuant to Government Code, Section 487.154.
- 12. Reimbursement of Advisory Committee Members.** Pursuant to Government Code § 2110.004, reimbursement of expenses for advisory committee members, out of amounts appropriated above, is limited to the following advisory committees: State Review Committee.
- 13. Rural Physician Relief Program.** In addition to amounts appropriated above in Strategy B.1.2, Rural Physician Relief Program, the Texas Department of Rural Affairs is hereby appropriated any fees collected pursuant to Government Code, Section 487.603 (estimated to be \$0), and other program contributions received by the Texas Department of Rural Affairs pursuant to Government Code, Section 487.604, for the purposes of administering the Rural Physician Relief Program.
- 14. Affordable Housing Research and Information Program.** Out of funds appropriated above, the Texas Department of Rural Affairs shall assist the Department of Housing and Community Affairs in conducting the Affordable Housing Research and Information Program, to the extent allowed by state law, in order to avoid any duplication of effort. It is the intent of the Legislature that no funds shall be transferred between the Department of Housing and Community Affairs and the Texas Department of Rural Affairs for this purpose.
- 15. Travel Expenditures.** Out of funds appropriated above, the Texas Department of Rural Affairs is authorized to spend up to \$26,700 each year of the biennium for out-of-state travel. This limitation shall not apply to out-of-state travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.

**DEPARTMENT OF TRANSPORTATION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:<sup>1</sup></b>		
<u>General Revenue Fund</u>		
General Revenue Fund <sup>2</sup>	\$ 46,277,498	\$ 102,304,983
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	750,000	750,000
Subtotal, General Revenue Fund	\$ 47,027,498	\$ 103,054,983
GR Dedicated - Texas Highway Beautification Account No. 071	629,703	629,703
Federal Reimbursements <sup>2</sup>	2,886,774,043	2,764,336,628
Subtotal, Federal Funds	\$ 2,886,774,043	\$ 2,764,336,628

<sup>1</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency, Article XII includes a Federal Funds increase of \$1,637,800,000 in FY 2010 resulting in a net All Funds appropriation of \$9,725,582,181 in FY 2010.

<sup>2</sup> Incorporates Article IX, § 17.30, due to the enactment of HB 3097, 81st Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles, resulting in a decrease of \$16,445,711 in General Revenue Funds, \$665,700 in Federal Funds, and \$125,630,222 in State Highway Funds, and an estimated 622.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Department of Transportation for Strategies D.1.2, Registration and Titling, D.1.3, Vehicle Dealer Regulation, and D.4.1, Automobile Theft Prevention, will be transferred to the Department of Motor Vehicles on November 1, 2009. Pursuant to Article IX, § 17.30, all transfers are subject to approval by the Legislative Budget Board. All riders and performance measures associated with programs and functions transferred to the newly created Department of Motor Vehicles are also transferred.



**DEPARTMENT OF TRANSPORTATION**  
(Continued)

Other Funds

State Highway Fund No. 006, estimated <sup>3</sup>	2,487,196,960	2,266,926,087
State Highway Fund No. 006 - Toll Revenue, estimated	390,523,564	651,185,148
State Highway Fund No. 006 - Concession Fees, estimated	5,000,000	2,000,000
Bond Proceeds - State Highway Fund, estimated	766,396,318	456,776,316
State Highway Fund No. 006 - Debt Service, estimated	350,599,384	481,205,847
Bond Proceeds - Texas Mobility Fund, estimated	375,643,335	151,410,530
Texas Mobility Fund - Debt Service, estimated	343,750,492	347,204,166
Bond Proceeds - General Obligation Bonds	30,725,920	24,000,000
Interagency Contracts	3,514,964	3,395,657
Bond Proceeds - GO Bonds (Proposition 12, 2007)	400,000,000	1,600,000,000

Subtotal, Other Funds	<u>\$ 5,153,350,937</u>	<u>\$ 5,984,103,751</u>
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<b>Total, Method of Financing</b>	<u>\$ 8,087,782,181</u>	<u>\$ 8,852,125,065</u>
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<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 372,288	\$ 391,850
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**This bill pattern represents an estimated 98% of this agency's estimated total available funds for the biennium.**

<b>Number of Full-Time-Equivalents (FTE):<sup>3</sup></b>	14,710.2	14,088.2
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**Schedule of Exempt Positions:**

Executive Director, Group 8	\$192,500	\$192,500
Commissioner	(5) 15,914	(5) 15,914

**Items of Appropriation:**

**A. Goal: TRANSPORTATION PLANNING**

<b>A.1.1. Strategy: PLAN/DESIGN/MANAGE</b> Plan, Design, and Manage Transportation Projects.	\$ 372,870,420	\$ 370,850,725
<b>A.1.2. Strategy: CONTRACTED PLANNING AND DESIGN</b>  Contracted Planning and Design of Transportation Projects.	\$ 219,220,658	\$ 134,106,369 & UB
<b>A.1.3. Strategy: RIGHT-OF-WAY ACQUISITION</b>  Optimize Timing of Transportation Right-of-way Acquisition.	\$ 344,807,796	\$ 196,132,979 & UB
<b>A.1.4. Strategy: RESEARCH</b> Fund Research and Development to Improve Transportation Operations.	<u>\$ 22,345,918</u>	<u>\$ 22,366,865</u>
<b>Total, Goal A: TRANSPORTATION PLANNING</b>	<u>\$ 959,244,792</u>	<u>\$ 723,456,938</u>

**B. Goal: TRANSPORTATION CONSTRUCTION**

<b>B.1.1. Strategy: EXISTING CONSTRUCTION CONTRACTS</b>  Existing Construction Contracts from Prior Fiscal Years. Estimated.	\$ 1,503,921,094	\$ 544,899,954 & UB
<b>B.1.2. Strategy: NEW CONSTRUCTION CONTRACTS</b>  New Construction Contracts. Estimated.	\$ 520,213,268	\$ 1,194,345,878 & UB
<b>B.1.3. Strategy: CONSTRUCTION GRANTS &amp; SERVICES</b>  Grants, Loans, Pass-through Payments, and Other Services. Estimated.	\$ 422,506,365	\$ 1,631,721,501 & UB

<sup>3</sup> Incorporates Article IX, § 17.30, due to the enactment of HB 3097, 81st Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles, resulting in a decrease of \$16,445,711 in General Revenue Funds, \$665,700 in Federal Funds, and \$125,630,222 in State Highway Funds, and an estimated 622.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Department of Transportation for Strategies D.1.2, Registration and Titling, D.1.3, Vehicle Dealer Regulation, and D.4.1, Automobile Theft Prevention, will be transferred to the Department of Motor Vehicles on November 1, 2009. Pursuant to Article IX, § 17.30, all transfers are subject to approval by the Legislative Budget Board. All riders and performance measures associated with programs and functions transferred to the newly created Department of Motor Vehicles are also transferred.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

<b>B.1.4. Strategy:</b> AVIATION SERVICES	\$ 101,542,704	\$ 76,046,162 & UB
Support and Promote General Aviation.		
<b>Total, Goal B:</b> TRANSPORTATION CONSTRUCTION	<u>\$ 2,548,183,431</u>	<u>\$ 3,447,013,495</u>
<b>C. Goal:</b> MAINTENANCE AND PRESERVATION		
<b>C.1.1. Strategy:</b> EXISTING MAINTENANCE CONTRACTS	\$ 1,352,883,691	\$ 542,229,830 & UB
Existing Maintenance Contracts from Prior Fiscal Years.		
<b>C.1.2. Strategy:</b> NEW MAINTENANCE CONTRACTS	\$ 447,242,346	\$ 975,548,434 & UB
<b>C.1.3. Strategy:</b> CONTRACTED ROUTINE MAINTENANCE	\$ 520,148,407	\$ 536,419,784 & UB
Contract for Routine Transportation System Maintenance.		
<b>C.1.4. Strategy:</b> ROUTINE MAINTENANCE	\$ 595,000,000	\$ 618,437,836 & UB
Provide for State Transportation System Routine Maintenance/Operations.		
<b>C.1.5. Strategy:</b> GULF WATERWAY	\$ 962,766	\$ 914,266 & UB
Support the Gulf Intracoastal Waterway.		
<b>C.1.6. Strategy:</b> FERRY SYSTEM	\$ 30,296,060	\$ 30,359,293 & UB
Maintain and Operate Ferry Systems in Texas.		
<b>Total, Goal C:</b> MAINTENANCE AND PRESERVATION	<u>\$ 2,946,533,270</u>	<u>\$ 2,703,909,443</u>
<b>D. Goal:</b> OPTIMIZE SERVICES AND SYSTEMS		
<b>D.1.1. Strategy:</b> PUBLIC TRANSPORTATION	\$ 89,368,251	\$ 89,214,894 & UB
Support and Promote Public Transportation.		
<b>D.1.2. Strategy:</b> REGISTRATION AND TITLING <sup>4</sup>	\$ 119,587,995	\$ 0
<b>D.1.3. Strategy:</b> VEHICLE DEALER REGULATION <sup>4</sup>	\$ 6,403,314	\$ 0
<b>D.2.1. Strategy:</b> TRAFFIC SAFETY	\$ 48,380,594	\$ 48,435,469 & UB
<b>D.3.1. Strategy:</b> TRAVEL INFORMATION	\$ 18,666,720	\$ 18,618,567 & UB
<b>D.4.1. Strategy:</b> AUTOMOBILE THEFT PREVENTION <sup>4</sup>	\$ 15,214,355	\$ 0 & UB
<b>D.5.1. Strategy:</b> RAIL SAFETY	\$ 1,246,950	\$ 1,128,150
Ensure Rail Safety through Inspection and Public Education.		
<b>Total, Goal D:</b> OPTIMIZE SERVICES AND SYSTEMS	<u>\$ 298,868,179</u>	<u>\$ 157,397,080</u>
<b>E. Goal:</b> INDIRECT ADMINISTRATION		
<b>E.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 49,299,118	\$ 59,129,023
<b>E.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 72,581,768	\$ 75,023,735
<b>E.1.3. Strategy:</b> OTHER SUPPORT SERVICES	\$ 39,361,203	\$ 39,349,737
<b>E.1.4. Strategy:</b> REGIONAL ADMINISTRATION	<u>\$ 68,128,976</u>	<u>\$ 65,250,453</u>
<b>Total, Goal E:</b> INDIRECT ADMINISTRATION	<u>\$ 229,371,065</u>	<u>\$ 238,752,948</u>
<b>F. Goal:</b> DEBT SERVICE PAYMENTS		
Debt Service Payments for Bonds, Notes, and Other Credit Agreements.		
<b>F.1.1. Strategy:</b> GENERAL OBLIGATION BONDS	\$ 0	\$ 100,000,000
General Obligation Bond Debt Service Payments.		

<sup>4</sup> Incorporates Article IX, § 17.30, due to the enactment of HB 3097, 81st Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles, resulting in a decrease of \$16,445,711 in General Revenue Funds, \$665,700 in Federal Funds, and \$125,630,222 in State Highway Funds, and an estimated 622.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Department of Transportation for Strategies D.1.2, Registration and Titling, D.1.3, Vehicle Dealer Regulation, and D.4.1, Automobile Theft Prevention, will be transferred to the Department of Motor Vehicles on November 1, 2009. Pursuant to Article IX, § 17.30, all transfers are subject to approval by the Legislative Budget Board. All riders and performance measures associated with programs and functions transferred to the newly created Department of Motor Vehicles are also transferred.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

<b>F.1.2. Strategy:</b> STATE HIGHWAY FUND BONDS	\$ 366,307,388	\$ 481,205,847 & UB
State Highway Fund Bond Debt Service Payments.		
<b>F.1.3. Strategy:</b> TEXAS MOBILITY FUND BONDS	\$ 343,750,492	\$ 347,204,166 & UB
Texas Mobility Fund Bond Debt Service Payments.		
<b>F.1.4. Strategy:</b> OTHER DEBT SERVICE	\$ 0	\$ 0 & UB
Other Debt Service Payments.		
<b>Total, Goal F: DEBT SERVICE PAYMENTS</b>	<u>\$ 710,057,880</u>	<u>\$ 928,410,013</u>
<b>G. Goal: SH 121 TRANSPORTATION PROJECTS</b>		
Deliver Transportation Projects through SH 121 Toll Project Funds.		
<b>G.1.1. Strategy:</b> PLAN/DESIGN/MANAGE - SH 121 Plan, Design, and Manage Transportation Projects with SH 121 Funds.	\$ 1,597,255	\$ 2,361,179
<b>G.1.2. Strategy:</b> CONTRACTED PLAN/DESIGN - SH 121 Contract Planning/Design of Transportation Projects with SH 121 Funds.	\$ 30,347,843	\$ 44,862,409 & UB
<b>G.1.3. Strategy:</b> RIGHT-OF-WAY ACQUISITION - SH 121 Optimize Timing of Transportation ROW Acquisition with SH 121 Funds.	\$ 11,232,555	\$ 39,855,000 & UB
<b>G.1.4. Strategy:</b> EXISTING CONSTRUCTION - SH 121 Existing SH 121 Construction Contracts from Prior Fiscal Years.	\$ 135,084,657	\$ 80,539,989 & UB
<b>G.1.5. Strategy:</b> NEW CONSTRUCTION - SH 121 New State Highway 121 Fund Construction Contracts.	\$ 108,057,480	\$ 314,334,603 & UB
<b>G.1.6. Strategy:</b> EXISTING MAINTENANCE - SH 121 Existing SH 121 Maintenance Contracts from Prior Fiscal Years.	\$ 57,893,425	\$ 34,517,138 & UB
<b>G.1.7. Strategy:</b> NEW MAINTENANCE - SH 121 New State Highway 121 Fund Maintenance Contracts.	\$ 46,310,349	\$ 134,714,830 & UB
<b>Total, Goal G: SH 121 TRANSPORTATION PROJECTS</b>	<u>\$ 390,523,564</u>	<u>\$ 651,185,148</u>
<b>H. Goal: SH 130 TRANSPORTATION PROJECTS</b>		
Deliver Transportation Projects through SH 130 Toll Project Funds.		
<b>H.1.1. Strategy:</b> EXISTING CONSTRUCTION - SH 130 Existing SH 130 Construction Contracts from Prior Fiscal Years.	\$ 3,000,000	\$ 0 & UB
<b>H.1.2. Strategy:</b> NEW CONSTRUCTION - SH 130 New State Highway 130 Fund Construction Contracts.	\$ 2,000,000	\$ 2,000,000 & UB
<b>Total, Goal H: SH 130 TRANSPORTATION PROJECTS</b>	<u>\$ 5,000,000</u>	<u>\$ 2,000,000</u>
<b>Grand Total, DEPARTMENT OF TRANSPORTATION</b>	<u>\$ 8,087,782,181</u>	<u>\$ 8,852,125,065</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 642,340,375	\$ 620,370,711
Other Personnel Costs	24,528,609	23,956,921
Professional Fees and Services	395,483,285	293,134,110
Fuels and Lubricants	51,121,136	51,173,810
Consumable Supplies	7,969,992	7,394,846
Utilities	48,077,957	47,926,091
Travel	7,188,211	6,751,235
Rent - Building	4,690,232	4,077,663

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

Rent - Machine and Other	6,662,453	6,919,833
Debt Service	710,399,614	928,750,212
Other Operating Expense	753,824,440	742,061,720
Client Services	400,000	400,000
Grants	667,663,592	1,837,526,404
Capital Expenditures	<u>4,767,432,285</u>	<u>4,281,681,509</u>

**Total, Object-of-Expense Informational Listing** \$ 8,087,782,181 \$ 8,852,125,065

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 40,986,689	\$ 40,317,682
Group Insurance	147,824,041	157,588,264
Social Security	47,990,884	47,188,092
Benefits Replacement	<u>5,926,662</u>	<u>5,365,021</u>

Subtotal, Employee Benefits \$ 242,728,276 \$ 250,459,059

Debt Service

TPFA GO Bond Debt Service	\$ 9,682,374	\$ 11,699,442
Lease Payments	<u>1,048,912</u>	<u>1,039,739</u>

Subtotal, Debt Service \$ 10,731,286 \$ 12,739,181

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 253,459,562 \$ 263,198,240

1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Transportation. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Transportation. In order to achieve the objectives and service standards established by this Act, the Department of Transportation shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: TRANSPORTATION PLANNING</b>		
<b>Outcome (Results/Impact):</b>		
Project to Funding Ratio	1.15	1.1
Percent of Dollar Volume Awarded on Schedule	100%	100%
<b>A.1.1. Strategy: PLAN/DESIGN/MANAGE</b>		
<b>Output (Volume):</b>		
Number of Construction Project Preliminary Engineering Plans Completed	670	1,000
Dollar Volume of Construction Contracts Awarded in Fiscal Year (Millions)	2,870	4,541
Number of Projects Awarded	600	1,000
Dollar Volume of Pass-through Financing Agreements Entered into During Each Fiscal Year (Millions)	10	10
<b>B. Goal: TRANSPORTATION CONSTRUCTION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Construction Projects Completed on Budget	97%	97%
Percent of Two-lane Highways with Improved Shoulders	54.2%	54.5%
Percent of Railroad Crossings with Signalization	56.8%	58.2%
Percent of Construction Projects Completed on Time	74%	75%
Urban Congestion Index	1.45	1.45
Statewide Congestion Index	1.1	1.1
<b>B.1.4. Strategy: AVIATION SERVICES</b>		
<b>Output (Volume):</b>		
Number of Airports Selected for Financial Assistance	90	90
<b>Efficiencies:</b>		
Administration and Support Costs as a Percent of Facility Grant Funds Expended	3.4%	3.4%
<b>C. Goal: MAINTENANCE AND PRESERVATION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Bridges Rated in Good Condition or Higher	79.4%	80%
Statewide Maintenance Assessment Program Condition Score	80	80
Statewide Traffic Assessment Program Condition Score	86.5	86.7

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

**C.1.4. Strategy:** ROUTINE MAINTENANCE

**Output (Volume):**

Number of Oversize/Overweight Permits Issued	643,869	663,185
Number of Highway Lane Miles Resurfaced by State Forces	6,000	6,000

**D. Goal:** OPTIMIZE SERVICES AND SYSTEMS

**Outcome (Results/Impact):**

Percent Change in the Number of Public Transportation Trips	1%	1.5%
Percent of Motor Vehicle Consumer Complaints Resolved	64.8%	64.8%
Number of Fatalities Per 100,000,000 Miles Traveled	1.38	1.36

**D.1.1. Strategy:** PUBLIC TRANSPORTATION

**Efficiencies:**

Administration and Support Costs as a Percent of Grant Expended	2.9%	2.9%
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**D.1.2. Strategy:** REGISTRATION AND TITLING<sup>5</sup>

**Output (Volume):**

Number of Vehicle Titles Issued	6,400,643	6,528,656
Total Number of Registered Vehicles	22,681,304	23,271,018

**D.1.3. Strategy:** VEHICLE DEALER REGULATION<sup>5</sup>

**Output (Volume):**

Number of Motor Vehicle Consumer Complaints Resolved	623	623
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**Efficiencies:**

Average Number of Weeks to Resolve a Motor Vehicle Complaint	24	24
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**D.4.1. Strategy:** AUTOMOBILE THEFT PREVENTION<sup>5</sup>

**Efficiencies:**

ATPA Administration and Support Costs as Percentage of Total Expenditures	6%	6%
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**D.5.1. Strategy:** RAIL SAFETY

**Output (Volume):**

Number of Rail Safety Inspection Units Performed	112,000	112,000
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- 2. Capital Budget.** Notwithstanding the capital budget provisions in the General Provisions of this act, none of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. No additional funds may be transferred to the capital budget items listed below without first obtaining written approval from the Legislative Budget Board and the Governor. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

The Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, an annual report of expenditures made under this authority no later than 10 days after September 1 of each year.

	2010	2011
a. Acquisition of Land and Other Real Property	\$ 2,600,000	\$ 1,330,000
b. Construction of Buildings and Facilities	14,850,000	7,650,000
c. Repair or Rehabilitation of Buildings and Facilities	9,345,000	20,535,000
d. Acquisition of Information Resource Technologies		
(1) Texas Permit Routing Optimization System	200,000	0
(2) Texas Statewide Railroad Grade Crossing Inventory System 2	944,417	944,417

<sup>5</sup> Selected performance measures are transferred to the Department of Motor Vehicles pursuant to the enactment of HB 3097, 81st Legislature, Regular Session.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

(3) Data Center Consolidation	21,603,532	17,833,348
(4) MMIS Client Server Systems Replacement	3,120,100	6,281,850
(5) Statewide Traffic Analysis & Reporting System II	605,000	635,000
(6) Technology Replacement & Upgrade <sup>6</sup>	19,844,708	15,342,566
(7) Environment Management System	812,834	399,994
(8) Vision 21-Core System <sup>6</sup>	31,116,193	0
(9) Statewide Analysis Model II	720,000	0
(10) Highway Performance Monitoring System (HPMS) Conversion to Geographic Information System (GIS)	800,000	0
(11) Management Information System	0	26,000,000
(12) Enterprise Resource Planning System	26,000,000	0
 Total, Acquisition of Information Resource Technologies	 \$ 105,766,784	 \$ 67,437,175
 e. Transportation Items	 7,002,168	 7,837,292
 f. Acquisition of Capital Equipment and Items	 43,247,882	 42,229,664
 g. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments (MLPP) - Airplane	341,734	340,199
 Total, Capital Budget	 \$ 183,153,568	 \$ 147,359,330
 Method of Financing (Capital Budget):		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 2,500	\$ 0
Subtotal, General Revenue Fund	\$ 2,500	\$ 0
 <u>Federal Funds</u>		
Federal Reimbursements	3,344,417	1,944,417
Subtotal, Federal Funds	\$ 3,344,417	\$ 1,944,417
 <u>Other Funds</u>		
State Highway Fund No. 006	179,806,651	145,414,913
Subtotal, Other Funds	\$ 179,806,651	\$ 145,414,913
 Total, Method of Financing	 \$ 183,153,568	 \$ 147,359,330

- 3. Transfer Authority.** The Department of Transportation may transfer appropriations from any Strategy into Strategies A.1.2, Contracted Planning and Design, A.1.3, Right-of-Way Acquisition, B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, C.1.3, Contracted Routine Maintenance, F.1.1, General Obligation Bonds, F.1.2, State Highway Fund Bonds, F.1.3, Texas Mobility Fund Bonds, and F.1.4, Other Debt Service, only after the department submits a report to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, that provides information regarding the impact of the transfers on transportation projects and 2012-2013 appropriation needs; and the Legislative Budget Board issues a written approval.

In addition, subject to approval, funds may be transferred among Strategies, except that no funds may be transferred out of Strategies A.1.2, Contracted Planning and Design, A.1.3, Right-of-Way Acquisition, B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, C.1.3, Contracted Routine Maintenance, F.1.1, General Obligation Bonds, F.1.2, State Highway Fund Bonds, F.1.3, Texas Mobility Fund Bonds, and F.1.4, Other Debt Service, except for transfers made among those Strategies.

- 4. Magazine Appropriations.** The Department of Transportation is directed to set subscription rates and other charges for Texas Highways Magazine at a level that will generate receipts

<sup>6</sup> Modified due to the enactment of HB 3097, 81st Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles. Capital budget authority for selected projects is transferred to the Department of Motor Vehicles.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

approximately sufficient to cover the costs incurred in the production and distribution of the magazine. In addition to funds appropriated above, the department is hereby appropriated to Strategy D.3.1, Travel Information, any magazine revenues generated above \$5,129,076 for the 2010 fiscal year and \$5,138,396 for the 2011 fiscal year. Funds may be utilized only for the purpose of magazine costs. The Department of Transportation may transfer revenues available from prior years subscription fees to Strategy D.3.1, Travel Information, in the event of unforeseen or unusual expenditures associated with the production costs of the Texas Highways Magazine. The Department of Transportation is hereby appropriated all revenue collected from the sale of promotional items as authorized by Transportation Code § 204.009.

5. **Equal Employment.** To the maximum extent allowed by law, the department shall implement its Equal Employment Opportunity/Affirmative Action Plan to hire and promote qualified minority employees into vacant supervisory and management positions.
6. **Limitation on Residences.** None of the funds appropriated herein above may be expended for the purchase, construction, or maintenance of residences for employees of the Department of Transportation except maintenance camps in isolated areas.
7. **Court Costs.** Any necessary amounts appropriated above may be used by the Department of Transportation to pay refunds authorized by law and to pay court costs in suits involving the Department of Transportation. Such costs shall include payments for judgments, settlements, and other costs associated with right-of-way acquisition and inverse condemnation.
8. **Appropriation Balances: Registration and Titling.**<sup>7</sup> Any unobligated balance remaining after the first year of the biennium in Strategy D.1.2, Registration and Titling, above for the purpose of purchasing insignia stickers for registration and vehicle license plates, and enhancing the automated registration and titling system in accordance with the provisions of Transportation Code, Chapter 502, may be used for the same purpose during the second year of the biennium. Any expended amounts from revenue collected as a result of Transportation Code § 502.1705 may be used to enhance the department's automated registration and titling system, and the capital budget appropriations may be increased by a like amount.
9. **Internal Audit.** The Department of Transportation shall maintain an internal auditing program in compliance with the provisions of the Texas Internal Auditing Act, which shall incorporate, at a minimum, the assignment of an internal auditor at each district office and within each division of the department. Each internal auditor assigned pursuant to this provision shall report either directly to the Commissioners of the Department of Transportation or to the internal auditor appointed pursuant to Government Code § 2102.006.  
  
An internal auditor whose duty station is assigned pursuant to this provision may consider suggestions from a District Engineer in developing proposals for the department's annual audit plan.
10. **Minimum Wage Contracts.** In contracting for maintenance and construction contract work with the private sector from funds appropriated above, the Department of Transportation shall require that contractors and subcontractors are paying all employees and contract labor at a rate at least equal to the federal minimum wage. The department shall withhold payments to contractors until their contractual obligations for paying employees and the contract labor have been fulfilled.
11. **Aviation Services Appropriations.** Out of funds appropriated above in Strategy B.1.4, Aviation Services, to the Department of Transportation from State Highway Fund No. 006, an amount not to exceed \$25,000,000 in fiscal year 2010 is contingent upon balances of the same amount remaining in Strategy B.1.4, Aviation Services, as of August 31, 2009, from appropriations made to the department for airport development grants in the 2008-09 biennium. In the event that actual and/or projected balances are insufficient for appropriations identified above for this purpose, the Comptroller is hereby directed to reduce the appropriation authority in Strategy B.1.4, Aviation Services, provided by this Act to the Department of Transportation to be within the amount expected to be available each year.
12. **Interagency Agreements.** Out of funds appropriated in Strategy D.3.1, Travel Information, \$670,000 through interagency contracts with the Commission on the Arts and \$500,000 through interagency contracts with the Historical Commission each fiscal year, shall be used to showcase the arts, culture, and historical diversity in Texas to promote tourism.

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<sup>7</sup> Riders 8, 25, 32, 33, and 54 are transferred to the Department of Motor Vehicles pursuant to the enactment of HB 3097, 81st Legislature, Regular Session, and Article IX, § 17.30, of this Act.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- 13. Trust Fund 927.** The Department of Transportation is hereby authorized to receive and hold funds in Trust Fund No. 927 (county or political subdivision road participation account) from governmental and private entities for purposes of reimbursing State Highway Fund No. 006 for expenses incurred with transportation projects, including highway and aviation.
- 14. State Highway Fund Reimbursement.** To the extent that funds are made available from local governments under Transportation Code § 22.055(b), the department is hereby appropriated amounts as necessary from State Highway Fund No. 006 for purposes authorized by Chapter 22 of the Texas Transportation Code. Funds made available to the department under Transportation Code § 22.055(b) are to be used only for the purpose of reimbursing State Highway Fund No. 006.
- 15. District Discretionary Funds.** Out of the funds appropriated above in Goal B, Transportation Construction, the Department of Transportation shall allocate a minimum of \$2.5 million for each district to the State District Discretionary Category each fiscal year. In addition, the Department of Transportation shall submit to the Legislative Budget Board and the Governor's Office an annual report no later than November 1st each fiscal year detailing the amount of District Discretionary category funds used by each district for project cost overruns.
- 16. Travel Information.** If the department determines that it cannot meet anticipated production and distribution for the Texas State Travel Guide and related travel literature from funds appropriated in Strategy D.3.1, Travel Information, the department shall transfer sufficient funds to meet the demand for each year of the biennium from any Strategy except that no transfers shall be made into Strategy D.3.1, Travel Information, from Strategy A.1.2, Contracted Planning and Design, Strategy A.1.3, Right-of-Way Acquisition, Strategy B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, C.1.3, Contracted Routine Maintenance, F.1.1, General Obligation Bonds, F.1.2, State Highway Fund Bonds, F.1.3, Texas Mobility Fund Bonds, F.1.4, Other Debt Service, strategies in Goal G, SH 121 Transportation Projects, and strategies in Goal H, SH 130 Transportation Projects.
- 17. Full-Time Equivalent: Summer Hire Program.** Full-Time-Equivalent (FTE) positions associated with the Summer Hire Program of the Department of Transportation, in an amount not to exceed 1,200 FTEs, shall be exempt from the Article IX provision establishing a limitation on state agency employment levels for the third and fourth quarters of each fiscal year. This provision will not change the "Number of Full-Time-Equivalents (FTE)" listed elsewhere in this Act. The Department of Transportation shall provide to the Legislative Budget Board, the Governor, and the State Auditor's Office a report of the number of FTEs associated with the Summer Hire Program each fiscal year. Out of individuals hired for the Summer Hire Program, the department shall hire no less than 10 interns each year for the Texas Prefreshman Engineering Program (TexPREP).
- 18. Clothing Provision.** The department may provide a cleaning allowance for Travel Counselors and ferry operations personnel not to exceed \$500 per year.
- 19. Reporting Requirements.**

  - a. The Department of Transportation shall provide a report to the department's border district legislators and to the respective metropolitan planning organizations on department's trade transportation activities in such border districts during the 2010-11 biennium. The department shall report annually no later than January 1, each year of the biennium. The report shall also be provided to the Governor and the Legislative Budget Board.
  - b. In addition to other information that might be requested by the Legislative Budget Board, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, a monthly revenue report to the Legislative Budget Board and the Governor on state and federal funds received in State Highway Fund No. 006 as specified by the Legislative Budget Board. At any time, if the department becomes aware of any variances to estimated amounts appropriated above out of state and federal funds received in State Highway Fund No. 006, the department shall immediately notify the Legislative Budget Board and the Governor in writing specifying the affected funds and the reason for the anticipated change. The monthly revenue report shall include detailed explanations of the causes and effects of current and anticipated fluctuations in the cash balance. In addition, the monthly cash forecast shall report expenditure information at the same level as the Department of Transportation's appropriation bill pattern strategies.



**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- c. The Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, a status report on all highway construction projects, airport projects, Trans-Texas Corridor projects, rail projects, toll road projects, turnpike projects, toll authorities, regional mobility authorities, and toll road conversion projects by legislative district, currently under contract or awaiting funding. The report shall include projects that would be funded fully or in part by state, federal, or toll funds. The report shall be filed prior to January 1, each fiscal year. In addition, 90 days prior to any loan being granted by the department for any project, all members of the district shall be notified on the status of the project and how other projects in any district would be affected.
- d. The Department of Transportation shall create a report detailing the reasons for the immediate and future needs for each mode of transportation in each segment of a Trans-Texas Corridor project, as well as detailing the reasonableness and necessity for each mode of transportation within each segment of a Trans-Texas Corridor project in the report. The department shall provide a report to the affected members at the same time that it submits a Tier 1 environmental impact statement and a Tier 2 environmental impact statement to the federal government for any segment of a Trans-Texas Corridor route. The reports shall be posted on the department's website, as well as provided to each state senator, state representative, and commissioners court of the county in which a proposed Trans-Texas Corridor project is being studied.

In addition, the Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, notification of:

- (1) all Trans-Texas Corridor projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified as Trans-Texas Corridor Projects and at least 2 business days prior to public release of the draft Unified Transportation Program;
  - (2) all eminent domain proceedings located within each member of the House and Senate's district related to Trans-Texas Corridor projects no later than 10 days before the proceedings begin;
  - (3) all rail projects, toll road projects, and turnpike projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified and at least 2 business days prior to public release of the draft Unified Transportation Program;
  - (4) the receipt of an application requesting approval to create a regional mobility authority or regional tollway authority located within each member of the House and Senate's district no later than 10 days after receipt of an application and of the Transportation Commission's consideration of an application no later than 10 days prior to commission action; and
  - (5) any toll authority or regional mobility authority board member that owns or participates in any holding included in a proposed project immediately.
- e. The Department of Transportation shall develop and submit an annual report to the Legislature no later than January 1, each fiscal year on public transportation activities in Texas. The report shall at a minimum include monthly data on industry utilized standards which best reflect: ridership, mileage, revenue by source, and service effectiveness, such as passengers per revenue mile. In order to meet the mandates of Chapter 461, Transportation Code, relating to the coordination of public transportation and to implement the legislative intent of § 461.001, Transportation Code, the Department of Transportation is directed to engage the services of the Texas Transportation Institute, or any entity that the Department of Transportation deems appropriate, to maintain an inventory of all public transportation providers in the state to determine the types and levels of services being provided by each of them and the extent to which those providers can assist the state in meeting the mandates of the statute.
  - f. The Department of Transportation shall report annually to the Legislative Budget Board and the Governor on the progress of the Congestion Mitigation and Air Quality (CMAQ) Improvement Program at achieving credit in the State Implementation Plan (SIP) for air quality under the Federal Clean Air Act. The report shall include a listing of each CMAQ

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

project, the amount of CMAQ funds designated, and the amount of quantifiable credit received in the SIP. The report shall be provided no later than September 1, each year of the biennium.

- g. For each fiscal year in the biennium, the Department of Transportation shall provide a report, with results statewide by district, on the percentage of projects listed in the State Transportation Improvement Program (STIP) that were let on or before the letting date provided in the STIP.
- h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in electronic formats and, if requested, in paper format.

**20. Green Ribbon Project Expansion.** It is the intent of the Legislature that the Department of Transportation expand the Green Ribbon Project, a public-private partnership initiative to enhance the appearance of public highways by incorporating in the design and improvement of public highways the planting of trees and shrubs, emphasizing natural beauty and greenspace, integrating public art, and highlighting cultural uniqueness of neighborhoods, to other areas of the state.

Furthermore, in non-attainment and near non-attainment areas, in connection with a contract for a highway project, the department shall allocate to the district or districts in which the project is located an amount equal to not less than one half of one and not to exceed 1 percent of the amount to be spent under the contract for construction, maintenance, or improvement of the highway. If two or more districts share an allocation under this section, the districts shall divide the allocation according to the portion of the amount under the contract that will be spent in each district. A district that receives an allocation under this rider shall spend not less than one half of the allocation for landscaping and other enhancements included in the Green Ribbon program as improvements associated with the project that was the subject of the contract. The district may spend the allocated money that is not used for landscaping improvements associated with the project that was the subject of the contract for landscaping improvements associated with another highway or highway segment located in the district.

For purposes of this rider, landscape improvements means planting of indigenous or adapted trees and other plants that are suitable for the climate in which they will be located, and preparing the soil and installing irrigation systems for the growth of the trees and plants. In non-attainment and near non-attainment areas, the district or districts shall, to the extent possible, use trees and plants that help mitigate the effects of air pollution.

**21. Miscellaneous Pay Provisions.**

- a. **Holiday Pay.** Notwithstanding other provisions of this bill, the Department of Transportation, to the extent permitted by law, is authorized to grant compensatory time off or to pay hourly employees for work performed on official state holidays in addition to any applicable holiday pay.
- b. **Compensatory Pay.** In order to operate in the most economical manner, when inclement weather or other circumstances beyond the control of the department prevent construction or maintenance employees from performing their normal duties, the Department of Transportation, to the extent permitted by law, is authorized to grant such employees time off with pay with the hours charged to the Compensatory Time Taken Account, provided that such advanced time must be repaid by the employee at a time, and in the most appropriate manner as determined by the department within the following twelve months or at termination, whichever is sooner.
- c. **Standby Pay.** It is expressly provided that the Department of Transportation, to the extent permitted by law, may pay compensation for on-call time at the following rates: credit for one hour worked per day on-call during the normal work week, and two hours worked per day on-call during weekends and holidays; this credit would be in addition to actual hours worked during normal duty hours or while on-call. Nonexempt employees who work a normal 40 hour work week, and also work on-call duty, will receive FLSA overtime rates for the on-call duty.
- d. **Pay for Regular Compensatory Time.** It is expressly provided that the Department of Transportation, to the extent permitted by law, may pay FLSA exempt and FLSA nonexempt

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

employees on a straight-time basis for work on a holiday or for regular compensatory time hours when the taking of regular compensatory time off would be disruptive to normal business functions.

- e. **Hazardous Duty Pay.** To more adequately compensate employees who perform hazardous duties for the state, the Department of Transportation is authorized to compensate employees who perform underwater bridge inspections an additional rate of pay of up to \$25 per hour for actual time spent performing underwater bridge inspections.
- f. **Evening, Night, and Weekend Shift Pay.** Notwithstanding other provisions in this Act, the Department of Transportation may pay an additional evening shift or night shift differential not to exceed 15 percent of the pay rate to employees who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, or who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed 5 percent of the pay rate may be paid to employees. The weekend shift salary differential may be paid to an eligible individual in addition to the evening shift or night shift salary differential.

**22. Bond Programs.** The Department of Transportation:

- a. in accordance with Section 49-k of Article III of the Texas Constitution; is hereby appropriated during each year of the biennium:
  - (1) all revenue of the state that is dedicated or appropriated to the Texas Mobility Fund No. 365 in accordance with Section 49-k (e) of Article III of the Texas Constitution, and such funds shall be deposited as received into the Texas Mobility Fund No. 365;
  - (2) all available funds in the Texas Mobility Fund No. 365, including any investment income, for the purposes outlined in Chapter 201, Subchapter M, Transportation Code; and
  - (3) such amounts to be transferred to the Texas Mobility Fund No. 365 in accordance with Section 49-k (g) of Article III of the Texas Constitution and Chapter 201, Subchapter M, Transportation Code, as may be necessary to make payments when due on any bonds, notes, other obligations, or credit agreements issued or entered into pursuant to Chapter 201, Subchapter M, Transportation Code, to the extent that the available funds in the Texas Mobility Fund No. 365 are insufficient for such purposes.
- b. in accordance with Subchapter N of Chapter 201, Transportation Code, is authorized during the biennium to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed in anticipation of a temporary cash shortfall in the State Highway Fund No. 006.
- c. in accordance with Section 49-m of Article III of the Texas Constitution and Section 201.115 of Chapter 201, Transportation Code, is authorized to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed on a short-term basis to carry out the functions of the department.
- d. in accordance with Section 49-n of Article III of the Texas Constitution and Subchapter A of Chapter 222, Transportation Code, is authorized during each fiscal year of the biennium to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, amounts due under bonds, other public securities and bond enhancement agreements that are issued or entered into to fund highway improvement projects and that are secured by and payable from revenue deposited to the credit of the State Highway Fund No. 006.

**23. Additional Funds.** Except during an emergency as defined by the Governor, no appropriation of additional State Highway Funds may be expended by the Department of Transportation unless:

- a. the Department of Transportation submits a separate report within forty five (45) days of the end of the second quarter of each fiscal year to the Legislative Budget Board and the Governor outlining any additional funds available above amounts estimated for the 2010-11 biennium, their anticipated uses and projected impacts; and,
- b. the Legislative Budget Board and the Governor issue a written approval or specify an alternate use for the additional funds.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- 24. Light Safety Installation and Reimbursement.** Out of funds appropriated above, the Department of Transportation shall pay for the initial costs and maintenance of installing blinking colored light signals at dangerous intersections as provided by the manual and specifications adopted under § 544.001, Transportation Code, from State Highway Fund No. 006 in Yoakum County, or any county, as either the Department of Transportation, or the county, deems necessary if all costs are reimbursed by the county into State Highway Fund No. 006 at an acceptable payback rate and period as determined by the Department of Transportation.
- 25. Auto Burglary and Theft Prevention.**<sup>8</sup> The Department of Transportation shall prioritize awarding Auto Burglary and Theft Prevention program grants to areas of the state based on a geographic distribution and shall include language in grant applications clarifying that funding from each grant is only awarded for the life of the grant.
- 26. Trans-Texas Corridor Projects.** The Department of Transportation shall identify all Trans-Texas Corridor projects included in the Unified Transportation Plan and shall make that information available on its website.
- 27. Local Government Assistance.** The Department of Transportation, pursuant to Texas Transportation Code § 201.706, may use funds appropriated by this Act to assist cities with the maintenance of city streets by providing engineering/maintenance expertise on roadway maintenance and when surplus materials are available, the department shall make available the surplus materials to any local government needing such materials.

For those cities that adopt or have adopted either a street use fee for maintenance or a specialized fee for street accessibility improvements as part of their local utility fees, the Department is authorized to use funds appropriated by this Act to coordinate its accessibility programs with those cities including providing engineering expertise where possible.

- 28. Woodall Rodgers Highway Enhancement Park.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$10 million in federal Transportation Enhancement Program funds administered by the department for the Woodall Rodgers Highway Enhancement Park project as approved by the Federal Highway Administration per federal regulations in Title 23 of the United States Code. The amount of federal Transportation Enhancement funds designated by this provision shall be an amount in addition to the amounts designated in Rider 47, Woodall Rodgers Highway Enhancement Park, Article VII, Department of Transportation, Senate Bill 1, General Appropriations Act, Seventy-ninth Legislature, 2005. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Woodall Rodgers Highway Enhancement Park project approved for federal Transportation Enhancement Program funds. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eightieth Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 31, Woodall Rodgers Highway Enhancement Park, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007.
- 29. B33 Classification Salary Group.** Notwithstanding the classification schedule under Section 2.01, Article IX, of this Act, the following positions at the Department of Transportation are designated to be salary group B33 with an annual salary of no more than \$170,000:

TxDOT Deputy Executive Director (1)  
TxDOT Assistant Executive Director (2)  
TxDOT District Engineer  
TxDOT Division Director (7)

The State Classification Office may update the classification schedule under Section 2.01, Article IX, of this Act, to conform to this rider.

- 30. Appropriations Limited to Revenue Collections: Rail Safety.** It is the intent of the Legislature that revenues collected and deposited to the General Revenue Fund from the assessment of fees on railroad operators pursuant to Texas Revised Civil Statutes, Article 6448a, cover, at a minimum, the cost of general revenue appropriations made above in Strategy D.5.1, Rail Safety, as well as

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<sup>8</sup> Riders 8, 25, 32, 33, and 54 are transferred to the Department of Motor Vehicles pursuant to the enactment of HB 3097, 81st Legislature, Regular Session, and Article IX, § 17.30, of this Act.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

covering "other direct and indirect costs" associated with such general revenue appropriations. "Other direct and indirect costs" associated with such general revenue appropriations are estimated to be \$372,288 for fiscal year 2010 and \$391,850 for fiscal year 2011. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

**31. Road Construction and Maintenance at State Facilities.** Out of funds appropriated above, the Department of Transportation shall:

- a. maintain paved surfaces on the State Capitol Grounds according to the Historic Capitol Grounds Master Plan adopted by the State Preservation Board;
- b. construct, repair, and maintain roads in and providing access to and from Department of State Health Services and Department of Aging and Disability Services mental health and mental retardation facilities;
- c. expend no more than \$10,000,000 each fiscal year to construct and maintain state park roads.

**32. Unexpended Balance Appropriation: Motor Vehicle Financial Responsibility.<sup>9</sup>** Any unexpended balances in State Highway Fund No. 006 remaining as of August 31, 2009 (estimated to be \$0), from the appropriation made to the Department of Transportation in Rider 35, Unexpended Balance Appropriation: Motor Vehicle Financial Responsibility, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007, for the implementation of a motor vehicle financial responsibility verification program, are hereby appropriated to the Department of Transportation in Strategy D.1.2, Registration and Titling, in the fiscal year beginning September 1, 2009, for the same purpose. Any unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated to the Department of Transportation in Strategy D.1.2, Registration and Titling, in the fiscal year beginning September 1, 2010, for the same purpose.

**33. Unexpended Balance Appropriation: Organ Donor Program - Voluntary Fee.<sup>9</sup>** Any unexpended balances in State Highway Fund No. 006 remaining as of August 31, 2009 (estimated to be \$0), from the appropriation made to the Department of Transportation in Rider 36, Unexpended Balance Appropriation: Organ Donor Program - Voluntary Fee, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007, for the creation of a donor education, awareness, and registry program and tissue council and anatomical gift donation, are hereby appropriated to the Department of Transportation in Strategy D.1.2, Registration and Titling, in the fiscal year beginning September 1, 2009, for the same purpose. Any unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated to the Department of Transportation in Strategy D.1.2, Registration and Titling, in the fiscal year beginning September 1, 2010, for the same purpose.

**34. Federal Funds Reporting Requirement.**

- a. The Department of Transportation shall provide to the Legislative Budget Board and the Governor:
  - (1) written notification of any increases or decreases in the amounts of federal funds estimated to be available to the Department of Transportation for the 2010-11 biennium within 10 business days of the date upon which the Department of Transportation is notified of such increases or decreases; and
  - (2) written notification outlining:
    - (A) the use and projected impacts of any additional federal funds available to the Department of Transportation above amounts estimated for the 2010-11 biennium; and/or
    - (B) the Department of Transportation's plan for addressing any reductions in federal funds, including federally-mandated funding rescissions.

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<sup>9</sup> Riders 8, 25, 32, 33, and 54 are transferred to the Department of Motor Vehicles pursuant to the enactment of HB 3097, 81st Legislature, Regular Session, and Article IX, § 17.30, of this Act.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- b. The Department of Transportation shall provide to the Legislative Budget Board and the Governor any documentation required by the U.S. Department of Transportation, Federal Highway Administration regarding the Department of Transportation's proposed use of additional federal funds and/or proposed actions to address federal funds reductions, including federally-mandated funding rescissions, within two business days of receipt and as soon as possible prior to submitting the required documentation to the U.S. Department of Transportation, Federal Highway Administration.

**35. Appropriations Contingent upon Reporting Requirements.** The Department of Transportation shall submit to the Legislative Budget Board, no earlier than 10 business days before February 28<sup>th</sup> and no later than 10 business days after March 31<sup>st</sup>, each year of the biennium, a status report on actions taken by the Department of Transportation to fulfill the requirements made under the provisions of Rider 19, Reporting Requirements. In the event that the Department of Transportation does not submit the status report within this time period, or in the event that the Department of Transportation does not fulfill the requirements of Rider 19, Reporting Requirements, at any time, the Legislative Budget Board may direct the Comptroller of Public Accounts to withhold any appropriation authority provided above excluding appropriation authority for the following:

- a. administration for and all costs related to the payment of debt service and bond proceeds for revenue bonds issued under Section 49-k, Article III, Texas Constitution;
- b. administration for and all costs related to the payment of debt service and bond proceeds for revenue bonds issued under Section 49-n, Art. III, Texas Constitution;
- c. administration for and all costs related to the payment of debt service and bond proceeds for revenue bonds issued under Section 49-o, Art. III, Texas Constitution;
- d. administration for and all costs related to the payment of debt service and bond proceeds for all other revenue bonds previously issued by the department;
- e. administration for and payment of General Obligation Bond proceeds for colonia road projects;
- f. appropriations necessary to register and title vehicles, license and regulate vehicle dealerships, and enforce the state lemon laws;
- g. administration for and payments of State Highway Fund, Federal Funds, and Interagency Contract monies for public transportation services;
- h. appropriations provided for Routine Maintenance and Contracted Maintenance;
- i. appropriations necessary to continue payments for previously entered contractual obligations;
- j. appropriations necessary to continue ferry operations;
- k. appropriations out of the GR Dedicated - Texas Highway Beautification Account No. 71; and
- l. any other constitutionally or statutorily required appropriation.

The Department of Transportation shall provide any information necessary to the Comptroller of Public Accounts and the Legislative Budget Board to fulfill these requirements no later than 3 business days after receiving notification of the Legislative Budget Board directing the Comptroller of Public Accounts to withhold appropriations.

**36. Budget Reconciliation Report.** The Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, an annual report for each fiscal year of the biennium that reconciles the department's expenditures and encumbrances of appropriations made to the department by this Act to the twelve categories included in the department's Statewide Preservation Program and Statewide Mobility Program. The report shall be submitted on the date the department is required to submit the operating budget required by Article IX, Sec. 7.01(a)(1) of this Act.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- 37. Comprehensive Development Agreements.** The Department of Transportation may not expend any funds appropriated by this Act to enter into a comprehensive development agreement pursuant to Transportation Code § 223.201, unless:
- a. the department submits a report to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, that provides information regarding the location, project costs, and projected benefits to the state for each project proposed under a comprehensive development agreement; and
  - b. the Legislative Budget Board issues a written approval.
- 38. Appropriation of Concession Fees and Payments Received under a Comprehensive Development Agreement.** The Department of Transportation may not expend any amounts from payments received by the department under a comprehensive development agreement and deposited to the State Highway Fund, pursuant to Transportation Code § 228.005, including applicable concession fees, or from payments and surplus toll project revenues received under other toll facility agreements unless:
- a. the department submits a report to the Legislative Budget Board and the Governor, in the format prescribed by the Legislative Budget Board, outlining the amount of funds available from such payments received by the department, the department's anticipated uses of such funds, and their projected impacts; and
  - b. the Legislative Budget Board and the Governor issue a written approval.
- 39. Toll Project Revenue and Funds Report.** Using funds appropriated above, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, an annual report of all state toll project revenues received and any other related funds that are deposited outside of the state treasury, including the purpose and use of such funds by the department. The report shall be submitted no later than November 1, in each year of the biennium.
- 40. Limitation on Expenditures for Contracts.**
- a. Without the prior approval of the Legislative Budget Board, the Department of Transportation shall not use funds appropriated above to enter into any contract with a private participant for the construction, maintenance, or operation of a road or highway in the State of Texas that:
    - (1) contains any provision that would guarantee or ensure a return on investment;
    - (2) would reduce the risk of the private participant as a result of any action taken by the department or the State of Texas;
    - (3) would limit or penalize the expansion of other department run facilities designed to reduce congestion;
    - (4) fails to contain a stated buy back provision that can be calculated without using estimates of future revenues; or
    - (5) contains any possible financial liability that could be inherited by the department, the State of Texas, or any other state agency.
  - b. The Legislative Budget Board may consider a request from the Department of Transportation to expend funds appropriated above to enter into a contract containing any of the criteria specified in this rider. A request submitted by the department under this provision must include information regarding the location, project costs, and projected benefits to the state for each project proposed under such contracts.
- 41. Texas State Railroad.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available \$10,000,000 in federal Transportation Enhancement program funds administered by the department for the Texas State Railroad project if the Texas State Railroad project is approved by the Texas Parks and Wildlife Commission for transfer to a consortium of the Cities of Palestine and Rusk and meets federal grant requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

Highway Administration federal regulations in Title 23 of the United States Code. The Texas Parks and Wildlife Department in conjunction with the Texas Department of Transportation will review the Texas State Railroad project to determine if the Texas State Railroad project meets the federal Transportation Enhancement program guidelines in Title 23 of the United States Code. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eightieth Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 45, Texas State Railroad, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007.

- 42. Battleship TEXAS.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$16,090,050 in federal Transportation Enhancement Program funds administered by the department for the Battleship TEXAS project if the Battleship TEXAS project meets federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Parks and Wildlife Department in conjunction with the Texas Department of Transportation will review the Battleship TEXAS project to determine if the Battleship TEXAS project meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Battleship TEXAS project approved for federal Transportation Enhancement Program funds. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eightieth Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 46, Battleship TEXAS, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Battleship TEXAS project under the Transportation Enhancement Program to other available projects should the Battleship TEXAS project fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

- 43. Aircraft Pooling Services.** The Texas Department of Transportation shall charge an amount at or above market prices for the provision of aircraft services. The amount charged must cover the costs of pilot services, scheduling services, the lease of necessary facilities in Austin, and any other reasonable expense.
- 44. Miscellaneous Provisions Related to Toll Road and Trans-Texas Corridor Projects.**
- a. **Toll Revenue Projection.** The Department of Transportation may not use appropriated funds to pay any costs related to making projections, using department personnel, of revenue to be generated by a toll road project. The department may use appropriated funds to pay the costs of making those projections only if the projections are made under an interagency contract between the department and the Comptroller of Public Accounts under which the Comptroller:
    - (1) makes the projections for the department; and
    - (2) projects the toll revenue for each geographic region of a toll road segment before the department signs an agreement with a developer to operate, lease, or finance that segment.
  - b. **Report of Indirect Costs.** In each cost report submitted to the Legislature by the Department of Transportation that includes information related to a project that is part of the Trans-Texas Corridor, the department shall either include indirect costs associated with the project or indicate that indirect costs are not addressed in the report.
  - c. **Access to Records Relating to Trans-Texas Corridor.** The Department of Transportation shall spend appropriations available for the purpose under this Act to achieve transparency in the department's functions related to the Trans-Texas Corridor by providing, to the greatest extent possible under the public information law (Chapter 552, Government Code) and other statutes governing the access to records, public access to information collected, assembled, or maintained by the department relating to the Trans-Texas Corridor.



## DEPARTMENT OF TRANSPORTATION

(Continued)

- d. **Accuracy of Developers' Assumptions in Trans-Texas Corridor 35 Project.** Money appropriated by this Act may not be spent in connection with a contract entered into by the Department of Transportation under Section 227.021, Transportation Code, related to the Trans-Texas Corridor 35 project, unless the department implements a process to obtain assurance regarding the reasonableness of the assumptions that the contracted developers use in developing plans and financial projections for the Trans-Texas Corridor 35 project.
  - e. **Financing Costs Associated with Mid-term Road Facilities and Long-term Road Facilities.** The Department of Transportation may not use money appropriated by this Act to implement a master development plan unless the plan includes the financing costs associated with the mid-term road facilities and long-term road facilities.
45. **Galveston Causeway.** Out of funds appropriated above in Goal C, Maintenance and Preservation, State Highway Funds shall be used for the maintenance and preservation of the fenderworks at the Galveston Causeway. Any unexpended balances from this appropriation remaining as of August 31, 2009, are hereby appropriated in the fiscal year beginning September 1, 2009, for the same purpose.
46. **Heritage Trails Program.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$8.9 million in federal Transportation Enhancement funds administered by the department for Heritage Trails program project whenever such projects are approved by the Texas Historical Commission's Heritage Trails Program and meet federal funding requirements of the Transportation Enhancement Program as defined by U.S. Department of Transportation, Federal Highway Administration, in federal regulations promulgated under the authority of Title 23, United States Code. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eightieth Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 50, Heritage Trails Program, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007.
47. **Colonia Projects.** The amounts appropriated above in Strategy B.1.3, Construction Grants & Services, in fiscal year 2010 from General Obligation Bond Proceeds include \$6,725,920 in unexpended balances remaining as of August 31, 2009, \$24,000,000 in new appropriations for fiscal year 2010, and \$24,000,000 in new appropriations for fiscal year 2011 to provide financial assistance for colonia access roadway projects. Any unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated to the Department of Transportation for the fiscal year beginning September 1, 2010, for the same purpose.
48. **Houston Fire Museum.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$2 million in federal Transportation Enhancement Program funds administered by the department for a Houston Fire Museum, Inc., construction project if the Houston Fire Museum, Inc., construction project meets federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Department of Transportation will review the Houston Fire Museum, Inc., construction project to determine if the construction of the Houston Fire Museum, Inc., meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Houston Fire Museum, Inc., construction project approved for federal Transportation Enhancement Program funds. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eightieth Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 52, Houston Fire Museum, Article VII, Department of Transportation, House Bill 1, General Appropriations Act, Eightieth Legislature, 2007.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Houston Fire Museum, Inc., construction project under the Transportation Enhancement Program to other available projects should the Houston Fire Museum, Inc., construction project fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- 49. Tourist Information Center.** From funds appropriated above, the Department of Transportation shall allocate \$75,000 each year of the biennium for the operation of a tourist information center in the Lufkin District along the federally designated El Camino Real de los Tejas.
- 50. Public Transportation.** Notwithstanding other transfer provisions in Article IX of this Act, appropriations made to the Department of Transportation in Strategy D.1.1, Public Transportation, from the State Highway Fund shall not be reduced.
- 51. Crash Records Information System.** Included in the amounts appropriated above in Strategy D.2.1., Traffic Safety, is \$750,000 in fiscal year 2010 and \$750,000 in fiscal year 2011 from the Insurance Companies Maintenance Tax and Insurance Department Fees No. 8042 for ongoing maintenance of the Crash Records Information System.
- 52. Limitation on Capital Budget - Acquisition of Information Resource Technologies.** Notwithstanding the general transfer provisions of this Act, the Department of Transportation may not transfer any appropriations into or between any capital budget items listed under "Acquisition of Information Resource Technologies" in Rider 2, Capital Budget, or to an additional information resource technology capital budget item not presented in Rider 2 without the approval of the Legislative Budget Board and the Governor. This limitation does not apply to the Data Center Consolidation capital budget item.
- 53. Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Department of Transportation are made contingent on the continuation of the Department of Transportation by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.
- 54. Appropriation of Special License Plate Fees.**<sup>10</sup> In addition to amounts appropriated above in Strategy D.1.2, Registration and Titling, fees collected from the sale of personalized and specialty license plates (Object Code 3014) and deposited to the credit of State Highway Fund No. 006 for the purposes of making contract payments to the vendor selected by the Department of Transportation for the marketing and sale of personalized and specialty license plates pursuant to Transportation Code §§ 504.851 and 504.852 are hereby appropriated for the same purpose. Any unobligated or unexpended balances of these funds remaining as of August 31, 2010, are hereby appropriated in the fiscal year beginning September 1, 2010, for the same purpose.
- 55. Appropriations from State Highway Fund No. 006 and Proposition 12 General Obligation Bonds.** Appropriations to the Department of Transportation from State Highway Fund No. 006 and appropriations from General Obligation Bond Proceeds authorized by Proposition 12, Senate Joint Resolution 64, Eightieth Legislature, 2007, as approved by the voters, for the 2010-11 biennium may not be expended unless:
- a. the department submits a report prior to the beginning of each fiscal year to the Legislative Budget Board and the Governor on the department's progress in implementing the recommendations of the Sunset Advisory Commission;
  - b. prior to the beginning of each fiscal year, the department provides the Legislative Budget Board and the Governor with a detailed plan for the use of these funds which includes, but is not limited to
    - (1) each construction project's enhancement of the state's economy, traffic safety, and connectivity;
    - (2) a detailed account of the level of traffic congestion reduced by each proposed project, in districts that contain one of the 50 most congested roads, as determined by the Traffic Congestion Index;
    - (3) a district by district analysis of pavement score targets and how proposed maintenance spending will impact pavement scores in each district; and
  - c. the Legislative Budget Board and the Governor issue a written approval for the use of these funds.

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<sup>10</sup> Riders 8, 25, 32, 33, and 54 are transferred to the Department of Motor Vehicles pursuant to the enactment of HB 3097, 81st Legislature, Regular Session, and Article IX, § 17.30, of this Act.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

- 56. Congested Road Segments.** Out of funds appropriated above, the department shall expend necessary funds to prominently post the top 100 congested road segments on its website and:
- a. the Traffic Congestion Index for each segment including the annual hours of travel delays and the economic value of the delays;
  - b. a congestion mitigation plan drafted in coordination with the local Metropolitan Planning Organization which shall include, when appropriate, alternatives to highway construction; and
  - c. at least a quarterly update of the current status in completing the mitigation plan for each road segment.

Funds shall not be distributed by the department to any district with a road segment in the top 100 congested roads until the requirements of this rider have been met.

- 57. Engineering Staff.** Prior to January 1, 2010, the Comptroller of Public Accounts shall submit a report produced in consultation with the Texas Board of Professional Engineers, the Department of Transportation, the Association of General Contractors, and the Consultant Engineer Council, to the Legislative Budget Board and the Governor which details:

- a. the number of professionally licensed engineers and graduate engineers by work function and by strategy employed at the Department of Transportation for each of the last five (5) fiscal years;
- b. the dollar volume of highway and bridge projects awarded by the department in each of the last five (5) fiscal years;
- c. the cost, including all direct and indirect costs, per \$100 million of highway and bridge projects awarded by the Department in each of the last five (5) fiscal years that were produced by (i) Department of Transportation personnel; and, (ii) by consultants; this analysis will be performed by an independent contracted cost accounting firm knowledgeable of governmental accounting practices;
- d. an analysis of the dollar volume impact to the Department of Transportation's highway and bridge construction and maintenance program per \$100 million of project awards for each one percent increase in production by consultants offset by a reduction to production by Department of Transportation personnel, considering cost to produce as developed in subsection (c);
- e. a recommended staffing and consultant usage plan for the Department of Transportation to develop plans for highways and bridges in Texas for the next 10 years based on projected funding levels;
- f. an attrition plan to reach recommended Department of Transportation staffing levels developed in subsection (e) by January 1, 2013 should they be lower than the current Department of Transportation levels; and
- g. a detailed description for how this analysis will be incorporated in the Department of Transportation's ongoing restructuring effort.

- 58. Sale of Surplus Property.** Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received.

- 59. State Highway 121 Project Subaccounts.** The amounts appropriated above to the Department of Transportation in Goal G, SH 121 Transportation Projects, are made from fund balances and interest earnings on fund balances held in State Highway 121 toll project subaccounts in the State Highway Fund. The balance of funds held the State Highway 121 toll project subaccounts as of April 30, 2009, is \$2,732,783,865.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

**60. Contingency for Legislation Authorizing Issuance of Proposition 12 Bonds and Senate Bill 1350.**<sup>11</sup>

- a. Out of funds appropriated above in strategy A.1.2, Contracted Planning and Design, the amount of \$60,000,000 in fiscal year 2010, and in Strategy A.1.3, Right-of-way Acquisition, the amount of \$90,000,000 in fiscal year 2010, and in B.1.2, New Construction Contracts, \$250,000,000 in fiscal year 2010 and \$600,000,000 in fiscal year 2011, and in Strategy B.1.3, Construction Grants & Services, \$1 billion in fiscal year 2011 in Proposition 12 General Obligation Bond proceeds and in strategy F.1.1, General Obligation Bonds, \$100 million in General Revenue are contingent upon the enactment of legislation relating to the issuance by the Texas Transportation Commission of general obligation bonds for highway improvement projects, by the Eighty-first Legislature, Regular Session, or by a called session of the Eighty-first Legislature. The amounts from Proposition 12 General Obligation Bond Proceeds in Strategy B.1.2, New Construction Contracts, shall be used to make progress payments on a maximum of \$1,850,000,000 in new multi-year construction contract obligations for non-tolled highway projects.
- b. Contingent upon the enactment of Senate Bill 1350 or similar legislation relating to the creation, administration, financing, and use of a Texas Transportation Revolving Fund by the Eighty-first Legislature, Regular Session, \$1 billion out of the contingent appropriation of Proposition 12 General Obligation Bond proceeds in Strategy B.1.3, Construction Grants & Services, in subsection (a) of this rider shall be used to capitalize the Texas Transportation Revolving Fund for the purpose of implementing the provisions of Senate Bill 1350 or similar legislation. If Senate Bill 1350 or similar legislation is not enacted, \$1 billion of the contingent appropriation from Proposition 12 General Obligation Bond proceeds in Strategy B.1.3, Construction Grants & Services, in subsection (a) of this rider shall be used to capitalize the State Infrastructure Bank for the purpose of making loans to public entities; provided that money in the State Infrastructure Bank may not be used for the purpose of converting a nontolled road or highway to a tolled road or highway.

**61. Pass-through Tolling Agreements.** The Texas Department of Transportation shall submit an annual report to the Legislative Budget Board no later than November 1 of each fiscal year, in the format prescribed by the Legislative Budget Board, providing information on all existing pass-through tolling or pass-through financing agreements of the department.

**62. Texas State Cemetery Enhancement Projects.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available, to the Texas Facilities Commission, during the biennium \$455,000 in federal Transportation Enhancement Program funds administered by the department for Texas State Cemetery beautification, repair and security enhancement projects if the Texas State Cemetery beautification, repair and security enhancement projects meet federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Department of Transportation will review the Texas State Cemetery beautification, repair and security enhancement projects to determine if they meet the federal Transportation Enhancement Program guidelines. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Texas State Cemetery beautification, repair and security enhancement projects approved for federal Transportation Enhancement Program funds.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Texas State Cemetery beautification, repair and security enhancement projects under the Transportation Enhancement Program to other available projects should the Texas State Cemetery beautification, repair and security enhancement projects fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

**63. Appropriations for Projects Authorized by Section 222.104, Transportation Code.** Unless there is an insufficient number of proposals for projects to be developed under agreements authorized under Section 222.104, Transportation Code, during the 2010-2011 biennium the Department of Transportation shall, for purposes of reimbursing approved project costs for new

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<sup>11</sup> Incorporates changes due to the enactment of HB 1, 81<sup>st</sup> Legislature, 1<sup>st</sup> Called Session, relating to certain sources of revenue for the funding of highways and transportation projects. SB 1350, 81<sup>st</sup> Legislature, Regular Session, did not pass.

**DEPARTMENT OF TRANSPORTATION**  
(Continued)

approved projects developed pursuant to agreements under Section 222.104, Transportation Code, encumber an amount not less than the total of reimbursements committed under agreements entered into during the 2008-09 biennium between the Department of Transportation and qualified local sponsors.

- 64. Appropriation for Rail Projects.** Out of amounts appropriated above in Strategy A.1.2, Contracted Planning and Design, from the General Revenue Fund in fiscal year 2010:
- a. \$3,000,000 shall be used for the rehabilitation and track improvements for the South Orient Rail Line from San Angelo to Coleman; and
  - b. \$8,700,000 shall be used for environmental review and other preliminary planning activities for the Austin-San Antonio passenger rail project.
- 65. Limitation on Expenditures: Prohibition on Lobbyists.** The Department of Transportation shall not expend any funds appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq), unless such an expenditure is allowed under state law.
- 66. Gray County Medical Heliport.** Out of funds appropriated in Strategy B.1.4, Aviation Services, the Texas Department of Transportation shall make a grant of \$500,000 under Subchapter C, Chapter 21, Transportation Code, during the 2010-11 biennium to Gray County for the construction of an air navigational facility for emergency medical services helicopters in that county.
- 67. Limitation on Use of Funds.** No funds appropriated above may be used to change the location of the current exit ramp off of IH-35 at exit number 359 by more than 1,000 feet, unless the Department of Transportation first provides to the Legislative Budget Board written correspondence from the federal government demonstrating that the ramp must be moved in order to prevent the loss of federal funds other than the funds that would be used to move the exit ramp or that this prohibition would cause the Department of Transportation to be in violation of federal law or regulations.

**TEXAS WORKFORCE COMMISSION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:<sup>1</sup></b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 62,173,837	\$ 62,173,831
GR MOE for Temporary Assistance for Needy Families	34,574,493	34,574,493
GR for Child Care and Development Fund	42,563,817	42,563,817
Career Schools and Colleges	969,664	969,664
GR Match for Supplemental Nutritional Assistance Program	4,007,586	4,007,586
Subtotal, General Revenue Fund	\$ 144,289,397	\$ 144,289,391
<u>General Revenue Fund - Dedicated</u>		
Unemployment Compensation Special Administration Account No. 165	5,501,579	5,512,093
Employment and Training Investment Assessment Holding	386,229	386,230
Subtotal, General Revenue Fund - Dedicated	\$ 5,887,808	\$ 5,898,323
Workforce Commission Federal Account No. 5026	877,577,794	879,951,465
<u>Other Funds</u>		
Appropriated Receipts	3,422,793	3,423,389

<sup>1</sup> Appropriations identified above do not include American Recovery and Reinvestment Act (ARRA) funds; please see Article XII of this Act for those appropriations. For this agency Article XII includes a Federal Funds increase of \$436,811,767 in FY 2010 resulting in a net All Funds appropriation of \$1,498,509,241 in FY 2010.

**TEXAS WORKFORCE COMMISSION**

(Continued)

Interagency Contracts	30,519,682	30,511,109
Subtotal, Other Funds	<u>\$ 33,942,475</u>	<u>\$ 33,934,498</u>

**Total, Method of Financing** \$ 1,061,697,474 \$ 1,064,073,677

**This bill pattern represents an estimated 32% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 2,832.0                      2,832.0

**Schedule of Exempt Positions:**

Commissioner, Group 6	\$135,000	\$135,000
Commissioner, Group 5	(2) 135,000	(2) 135,000
Executive Director, Group 5	154,000	154,000

**Items of Appropriation:**

**A. Goal: WORKFORCE DEVELOPMENT**

Support a Workforce System to Achieve/Sustain Economic Prosperity.

<b>A.1.1. Strategy:</b> WORKFORCE INVESTMENT ACT Workforce Investment Act (WIA) Adult and Dislocated Adults.	\$ 131,962,045	\$ 132,094,600
<b>A.1.2. Strategy:</b> WORKFORCE INVESTMENT ACT - YOUTH Workforce Investment Act (WIA) Youth.	\$ 57,763,185	\$ 57,763,185
<b>A.1.3. Strategy:</b> TANF CHOICES Temporary Assistance for Needy Families (TANF) Choices.	\$ 90,035,612	\$ 89,961,449
<b>A.1.4. Strategy:</b> EMPLOYMENT AND COMMUNITY SERVICES	\$ 47,617,689	\$ 47,359,083
<b>A.1.5. Strategy:</b> SNAP E & T Supplemental Nutritional Assistance Program.	\$ 18,784,940	\$ 18,799,285
<b>A.1.6. Strategy:</b> TRADE AFFECTED WORKERS Trade Affected Worker Training and Assistance.	\$ 8,753,725	\$ 8,758,875
<b>A.1.7. Strategy:</b> PROJECT RIO Project Reintegration of Offenders (RIO).	\$ 10,761,725	\$ 10,764,151
<b>A.1.8. Strategy:</b> SENIOR EMPLOYMENT SERVICES	\$ 5,708,829	\$ 5,708,817
<b>A.1.9. Strategy:</b> APPRENTICESHIP	\$ 1,804,039	\$ 1,804,007
<b>A.2.1. Strategy:</b> SKILLS DEVELOPMENT	\$ 40,482,305	\$ 40,503,971
<b>A.2.2. Strategy:</b> SELF SUFFICIENCY	\$ 3,274,093	\$ 3,273,966
<b>A.2.3. Strategy:</b> LABOR MARKET AND CAREER INFORMATION	\$ 4,537,180	\$ 4,545,135
<b>A.2.4. Strategy:</b> WORK OPPORTUNITY TAX CREDIT Work Opportunity Tax Credit Certification.	\$ 850,678	\$ 851,310
<b>A.2.5. Strategy:</b> ALIEN LABOR CERTIFICATION	\$ 571,424	\$ 573,125
<b>A.3.1. Strategy:</b> TANF CHOICES CHILD CARE TANF Choices Child Care for Families Working or Training for Work.	\$ 40,942,680	\$ 42,179,718
<b>A.3.2. Strategy:</b> TRANSITIONAL CHILD CARE Transitional Child Care for Families Working or Training for Work.	\$ 25,933,343	\$ 26,712,890
<b>A.3.3. Strategy:</b> AT-RISK CHILD CARE At-Risk Child Care for Families Working or Training for Work.	\$ 412,196,594	\$ 414,614,492
<b>A.3.4. Strategy:</b> CHILD CARE ADMINISTRATION Child Care Admin for TANF Choices, Transitional & At-Risk Child Care.	\$ 5,858,246	\$ 5,496,258
<b>A.3.5. Strategy:</b> CHILD CARE - FOSTER CARE FAMILIES Child Care for Foster Care Families.	\$ 29,985,856	\$ 29,985,856
<b>A.4.1. Strategy:</b> UNEMPLOYMENT CLAIMS	\$ 52,384,687	\$ 51,266,981
<b>A.4.2. Strategy:</b> UNEMPLOYMENT APPEALS	\$ 12,143,330	\$ 12,106,016
<b>A.4.3. Strategy:</b> UNEMPLOYMENT TAX COLLECTION	<u>\$ 22,450,080</u>	<u>\$ 22,653,611</u>

**Total, Goal A: WORKFORCE DEVELOPMENT** \$ 1,024,802,285 \$ 1,027,776,781

**B. Goal: PROGRAM ACCOUNTABILITY/ENFORCEMENT**

<b>B.1.1. Strategy:</b> SUBRECIPIENT MONITORING	\$ 2,498,088	\$ 2,501,497
<b>B.1.2. Strategy:</b> TECHNICAL ASSISTANCE	\$ 6,336,702	\$ 6,343,015
<b>B.1.3. Strategy:</b> LABOR LAW INSPECTIONS	\$ 3,656,131	\$ 3,663,417

**TEXAS WORKFORCE COMMISSION**

(Continued)

<b>B.1.4. Strategy:</b> CAREER SCHOOLS & COLLEGES	\$ 896,131	\$ 896,337
Career Schools and Colleges.		
<b>B.2.1. Strategy:</b> CIVIL RIGHTS	\$ 2,028,026	\$ 2,035,007
<b>Total, Goal B:</b> PROGRAM ACCOUNTABILITY/ENFORCEMENT	\$ 15,415,078	\$ 15,439,273

<b>C. Goal:</b> INDIRECT ADMINISTRATION		
<b>C.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 11,770,701	\$ 11,786,046
<b>C.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 7,868,161	\$ 7,199,041
<b>C.1.3. Strategy:</b> OTHER SUPPORT SERVICES	\$ 1,841,249	\$ 1,872,536
<b>Total, Goal C:</b> INDIRECT ADMINISTRATION	\$ 21,480,111	\$ 20,857,623
<b>Grand Total, TEXAS WORKFORCE COMMISSION</b>	\$ 1,061,697,474	\$ 1,064,073,677

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 115,304,209	\$ 115,620,980
Other Personnel Costs	6,297,053	6,297,053
Professional Fees and Services	24,798,948	22,457,115
Fuels and Lubricants	25,897	27,415
Consumable Supplies	1,038,496	1,041,825
Utilities	3,357,887	3,482,713
Travel	2,014,601	2,047,181
Rent - Building	1,951,764	1,992,737
Rent - Machine and Other	526,543	528,201
Other Operating Expense	24,080,356	24,516,582
Client Services	46,620	46,620
Grants	881,011,852	885,671,758
Capital Expenditures	1,243,248	343,497
<b>Total, Object-of-Expense Informational Listing</b>	\$ 1,061,697,474	\$ 1,064,073,677

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 7,124,059	\$ 7,230,920
Group Insurance	31,488,592	34,534,701
Social Security	9,140,046	9,277,147
Benefits Replacement	1,106,587	1,051,257
Subtotal, Employee Benefits	\$ 48,859,284	\$ 52,094,025
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 48,859,284	\$ 52,094,025

**1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas Workforce Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas Workforce Commission. In order to achieve the objectives and service standards established by this Act, the Texas Workforce Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal:</b> WORKFORCE DEVELOPMENT		
<b>Outcome (Results/Impact):</b>		
Customers Served - Job Seekers	1,510,000	1,535,000
Entered Employment Rate	79%	79%
Employment Retention Rate	83%	83%
Temporary Assistance for Needy Families (TANF) Choices		
Participation Rate : Single-Parent Families	30%	30%
Percent of Unemployment Insurance Claimants Paid Timely	97%	97%
Percent of Unemployment Insurance Dispute Cases Resolved with Lower Appeal	84%	84%
<b>A.1.1. Strategy:</b> WORKFORCE INVESTMENT ACT		
<b>Output (Volume):</b>		
Workforce Investment Act (WIA): Adult and Dislocated Worker Customers Served	37,513	37,513
<b>Efficiencies:</b>		
Workforce Investment Act (WIA): Adult and Dislocated Worker Average Cost per Customer Served	3,100	3,100

**TEXAS WORKFORCE COMMISSION**  
(Continued)

<b>A.1.3. Strategy: TANF CHOICES</b>		
<b>Output (Volume):</b>		
Temporary Assistance for Needy Families (TANF) Choices Customers Served	43,267	43,267
<b>Efficiencies:</b>		
Temporary Assistance for Needy Families (TANF) Choices Average Cost Per Customer Served	1,959	1,956
<b>A.1.4. Strategy: EMPLOYMENT AND COMMUNITY SERVICES</b>		
<b>Output (Volume):</b>		
Employment Services Customers Served	1,434,500	1,458,300
<b>Efficiencies:</b>		
Employment Services Average Cost Per Customer Served	17	17
<b>A.1.5. Strategy: SNAP E &amp; T</b>		
<b>Output (Volume):</b>		
Supplemental Nutritional Assistance Program (E&T) Customers Served	30,894	30,978
<b>A.1.7. Strategy: PROJECT RIO</b>		
<b>Output (Volume):</b>		
Project Reintegration of Offenders (RIO) Customers Served	48,000	48,000
<b>Efficiencies:</b>		
Project Reintegration of Offenders (RIO) Average Cost Per Customer Served	130	130
<b>A.1.9. Strategy: APPRENTICESHIP</b>		
<b>Output (Volume):</b>		
Apprenticeship Customers Served	3,600	3,600
<b>A.2.1. Strategy: SKILLS DEVELOPMENT</b>		
<b>Output (Volume):</b>		
Skills Development Customers Served	27,298	27,298
<b>Efficiencies:</b>		
Skills Development Fund Average Cost Per Customer Served	1,420	1,420
<b>A.2.2. Strategy: SELF SUFFICIENCY</b>		
<b>Output (Volume):</b>		
Self-Sufficiency Customers Served	2,149	2,148
<b>Efficiencies:</b>		
Self-Sufficiency Fund Average Cost Per Customer Served	1,400	1,400
<b>A.3.1. Strategy: TANF CHOICES CHILD CARE</b>		
<b>Output (Volume):</b>		
Average Number of Children Served Per Day, Temporary Assistance for Needy Families (TANF) Choices Services	7,545	7,544
<b>Efficiencies:</b>		
Average Cost Per Child Per Day for Child Care, Temporary Assistance for Needy Families (TANF) Choices Services	21.72	22.31
<b>A.3.3. Strategy: AT-RISK CHILD CARE</b>		
<b>Output (Volume):</b>		
Average Number of Children Served Per Day, Transitional and At Risk Services	103,220	103,301
<b>Efficiencies:</b>		
Average Cost Per Child Per Day for Child Care, Transitional and At Risk Services	15.7	16.12
<b>Explanatory:</b>		
Average Number of Children on Waiting List for Low-income Child Care	27,700	27,700
<b>A.4.1. Strategy: UNEMPLOYMENT CLAIMS</b>		
<b>Efficiencies:</b>		
Average Wait Time on Hold for Unemployment Insurance Customers (Minutes)	8.53	8.72
<b>Explanatory:</b>		
Unemployment Rate	6.7	6.5
<b>B. Goal: PROGRAM ACCOUNTABILITY/ENFORCEMENT</b>		
<b>B.1.1. Strategy: SUBRECIPIENT MONITORING</b>		
<b>Output (Volume):</b>		
Number of Monitoring Reviews of Boards or Contractors	72	72
<b>B.1.3. Strategy: LABOR LAW INSPECTIONS</b>		
<b>Output (Volume):</b>		
Number of On-site Inspections Completed for Texas Child Labor Law Compliance	2,600	2,600
<b>B.1.4. Strategy: CAREER SCHOOLS &amp; COLLEGES</b>		
<b>Output (Volume):</b>		
Number of Licensed Career Schools and Colleges	430	435



**TEXAS WORKFORCE COMMISSION**

(Continued)

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by commission management to be in the best interest of the State of Texas.

	2010	2011
a. Repair or Rehabilitation of Buildings and Facilities		
(1) Repair or Rehabilitation of Buildings and Facilities	\$ 4,745,007	\$ 4,950,004
b. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	17,725,183	16,498,781
(2) E-Strategy	501,920	171,600
(3) LAN/WAN Area Upgrade & Replacement	606,397	328,400
(4) Operations Infrastructure	1,047,154	0
(5) PC Infrastructure and Refresh	1,299,998	1,299,998
(6) Phone System Replacement	64,997	64,997
(7) Workforce Information System Redesign	1,066,742	835,009
(8) Enterprise Document Management	\$ 1,314,800	\$ 310,179
Total, Acquisition of Information Resource Technologies	\$ 23,627,191	\$ 19,508,964
c. Transportation Items		
(1) Vehicle Acquisition	\$ 56,501	\$ 28,497
Total, Capital Budget	\$ 28,428,699	\$ 24,487,465
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 352,335	\$ 339,204
GR Dedicated - Unemployment Compensation		
Special Administration Account No. 165	268,057	243,646
Interagency Contracts	109,657	101,469
Workforce Commission Federal Account No. 5026	27,696,855	23,801,483
Career Schools and Colleges	1,795	1,663
Total, Method of Financing	\$ 28,428,699	\$ 24,487,465

- 3. Appropriation: Federal Funds.** All moneys granted to Texas by the federal government for the administration of the Texas Unemployment Compensation Act or which are now on deposit to the credit of any funds maintained by the comptroller for the Texas Workforce Commission (TWC), and any moneys received for the credit of such funds are hereby appropriated for the purposes authorized by the provisions of the Texas Unemployment Compensation Act and for the purposes for which such moneys were granted. TWC shall notify the Legislative Budget Board and Governor of any funds and associated staffing received above the amounts appropriated above for the biennium.

**4. Section 903, Social Security Act Funds.**

- a. Out of amounts credited to Texas' account in the Federal Unemployment Trust Fund under § 903 of the Social Security Act, there is included in the appropriation above \$5,000,000 in fiscal year 2008 and \$5,000,000 in fiscal year 2009 for withdrawal and use by the Texas Workforce Commission (TWC) for the administration of the Texas Unemployment Compensation Act and its Public Employment Offices and telecenters. Said funds may be used to provide necessary office facilities and automated equipment, to include the purchase of land and construction of buildings, and the construction of improvements on property owned by TWC, including the cost of repairs and alterations to such property and the purchase of computers and related peripheral equipment.

## TEXAS WORKFORCE COMMISSION

(Continued)

- b. No part of any amounts based on an initial transfer from the federal government that occurred prior to fiscal year 2000 or after fiscal year 2002, herein appropriated out of amounts credited to Texas' account in the Federal Unemployment Trust Fund under § 903 of the Social Security Act, shall be expended after the close of the period covered by this act and any unused portion of such amounts shall, at such close, revert to Texas' said account in the Federal Unemployment Trust Fund. The amount obligated pursuant to this act shall not exceed at any time the amount by which (a) the aggregate of the amounts transferred to the account of this state pursuant to § 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.
  - c. Should federal requirements concerning amounts made available under Section 903 of the Social Security Act change after passage of this Act, the appropriation made in this rider shall be subject to such conditions and limitations as required by the changed federal law.
- 5. Authorization: Sale of Agency-owned Buildings and Land.** In order to ensure effective facility management in coordination with the local workforce development boards, the Texas Workforce Commission (TWC) is hereby authorized to sell agency-owned buildings and land. Any such sale must be based on a finding by the commission that no other economically viable alternative exists, and specifically that operation within agency-owned or leased buildings would not be feasible. Furthermore, in order to accommodate sudden and unexpected fluctuations in federal funding, TWC is hereby authorized to sell agency-owned buildings and land as it deems necessary. The authority granted in this provision is contingent upon the filing of a written notice with the Governor and the Legislative Budget Board at least 90 days prior to the planned date of sale and is subject to the disapproval of either office within 90 days after notification.
- 6. Payment of Unemployment Benefits - State Agencies.** It is the intent of the Legislature that the Texas Workforce Commission charge the Comptroller of Public Accounts only for unemployment benefits paid based on wages earned from agencies appropriated funds under the General Appropriations Act, and that agencies outside the General Appropriations Act be maintained as individual reimbursing employers. For the purposes of this rider, 'agency' includes a state agency as defined under § 2151.002, Government Code, which includes an institution of higher education (except a public junior college) as defined under § 61.003, Education Code.
- 7. Federal Funds Appropriated.** The Texas Workforce Commission (TWC) is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible federal agency, all federal moneys that are made available (including grants, allotments, and reimbursements) to the state and retain their character as federal funds for such purposes and all fees authorized by federal law, and to receive, administer, and disburse federal funds for federal programs in accordance with plans agreed upon by the TWC and the responsible federal agency, and such other activities as come under the authority of the TWC, and such moneys are appropriated to the specific purpose or purposes for which they are granted or otherwise made available. Earned federal funds are not considered to be federal funds for the purpose of this section.
- 8. Reappropriation of Federal and Local Funds.** All funds received by the Texas Workforce Commission from counties, cities, federal agencies, and from any other local source during the 2010-11 biennium, and all balances from such sources as of August 31, 2009, are hereby appropriated for the biennium ending August 31, 2011, for the purpose of carrying out the provisions of this Act. Earned federal funds are not considered to be federal funds for the purpose of this section.
- 9. Unexpended Balances for Child Care Funds.** It is the intent of the Legislature that any additional federal funds received as a result of current efforts to obtain child care funds, be used for child care. Except as otherwise provided, all unexpended and unobligated balances in the area of child care remaining from appropriations for the first year of the biennium to the Texas Workforce Commission (TWC) are appropriated to TWC for the purpose of drawing down all available federal funds for child care. The TWC may transfer unexpended and unobligated balances of General Revenue appropriations to Strategy A.3.3, At-Risk Child Care, in order to match available federal child care funds, which are appropriated to TWC. TWC is subject to the requirements of the Additional Federal Funds rider in this agency's bill pattern for federal child care funds matched with available General Revenue, and TWC shall notify the Legislative Budget Board and the Governor of the amounts of additional General Revenue used as match and the federal child care funds matched in each year of the 2010-11 biennium not later than:
- a. the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact along with the conclusions or

**TEXAS WORKFORCE COMMISSION**  
(Continued)

comments of the Legislative Budget Board staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and

- b. within 10 business days by the Governor,  
prior to drawing down the additional federal funds.

- 10. Maximization of Child Care and Development Funds.** It is the intent of the Legislature that the Texas Workforce Commission cooperate with cities, non-profit organizations, the Texas Education Agency and local school districts to obtain local match necessary to maximize federal funds for child care. In order to maximize the availability of state matching funds for federal child care funds and to encourage local child care planning and match participation, the commission shall use donated purchase agreements and other funding mechanisms, to the extent allowed by federal law and regulations.
- 11. Project RIO.** It is the intent of the Legislature that the Texas Workforce Commission (TWC), the Texas Department of Criminal Justice, and the Texas Youth Commission together enhance the effectiveness of Project RIO by improving cohesive program delivery among the three agencies. The agencies shall together develop and implement a biennial strategic plan for the implementation of a more cohesive and effective Project RIO program which will emphasize necessary skill development, rehabilitation and appropriate assessment of the offender prior to inmate release. Not later than March 1, 2010, the biennial strategic plan, jointly prepared by the three agencies, and including specific strategies, measures, timeframes for program improvement, and a methodology for program evaluation, shall be submitted to the Legislative Budget Board and the Governor. For performance measures included in the biennial strategic plan, TWC will set targets for local work force development boards and collect reports on actual performance. TWC shall maintain funding at \$4,559,735 in each fiscal year of the 2010-11 biennium to the Texas Department of Criminal Justice and \$446,250 in each fiscal year of the 2010-11 biennium to the Texas Youth Commission to fund Project RIO. The agencies shall enter into interagency contracts, to include reporting of performance levels, for the 2010-11 biennium.
- 12. Earned Income Tax Credit Assistance.** Out of funds appropriated above, the Texas Workforce Commission and local workforce development boards shall assist recipients of Temporary Assistance for Needy Families who become employed, and other low-income workers who may qualify for the credit under federal income and other requirements, to apply for the federal Earned Income Tax Credit.
- 13. Employment and Child Care Programs in Rural Areas.** It is the intent of the Legislature that the Texas Workforce Commission and local workforce development boards cost-effectively continue to expand the availability of employment and child care programs into rural areas.
- 14. Job Training Courses.** It is the intent of the Legislature that the primary objective of job training courses offered by the Texas Workforce Commission and local workforce development boards is to prepare individuals for high-skill, high-wage jobs with health benefits that result in long-term employability. Whenever possible, strategies should focus on incorporating industry sectors and/or regional industry clusters in order to promote high quality jobs. While English as a Second Language (ESL) may provide additional benefit to trainees, it may not be substituted for job training classes.
- 15. Formal Measures Report.** The Texas Workforce Commission shall submit an annual report to the Legislative Budget Board and the Governor on agency performance on Formal Measures prescribed by the Texas Workforce Investment Council (TWIC). The report shall be submitted with the agency's 4th quarterly performance report and must be accompanied by supporting documentation as specified by the Legislative Budget Board and the Governor.
- 16. Budget and Performance Report.** The Texas Workforce Commission shall submit a monthly report to the Legislative Budget Board and the Governor on budgeted, expended, and encumbered funds by strategy (and substrategy as appropriate) along with Full-Time Equivalent positions and method of finance information. The report shall also include program performance information for performance measures included in this Act.
- 17. Skills Development and Self-Sufficiency Fund Report.** The Texas Workforce Commission shall submit a quarterly report to the Legislative Budget Board and the Governor on contracts executed by the commission, expenditures, program participants, and closed contracts for each

**TEXAS WORKFORCE COMMISSION**  
(Continued)

Skills Development Fund and Self-Sufficiency Fund contract. Each report shall be accompanied by supporting documentation as specified by the Legislative Budget Board and the Governor.

- 18. Contracts for Purchase of Client Services.** No funds appropriated to the Texas Workforce Commission may be utilized for contracts for the purchase of program-related client services unless:
- a. such contracts include clearly defined goals, outputs, and measurable outcomes which directly relate to program objectives;
  - b. such contracts include clearly defined sanctions or penalties for noncompliance with contract terms and conditions;
  - c. such contracts specify the accounting, reporting, and auditing requirements applicable to funds received under the contract;
  - d. the agency has implemented a formal program using a risk assessment methodology to monitor compliance with financial and performance requirements under the contract, including a determination of whether performance objectives have been achieved; and
  - e. the agency has implemented a formal program to obtain and evaluate program costs information to ensure that all costs, including administrative costs, are reasonable to achieve program objectives.
- 19. Additional Federal Funds.** No appropriation of federal funds in addition to the estimated amounts above may be expended by the Texas Workforce Commission (TWC) unless:
- a. TWC files a finding of fact along with a written plan outlining the use and projected impact of the funds on performance measures with the Legislative Budget Board and the Governor and indicating that additional appropriations are required to maintain adequate levels of program performance; and,
  - b. neither the Legislative Budget Board nor the Governor issues a written disapproval not later than:
    1. the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact along with the conclusions or comments of the Legislative Budget Board staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and
    2. within 10 business days of the receipt of the finding of fact by the Governor and the written plan,
- which should not prohibit the agency from responding in an emergency.
- 20. Work-at-Home Employees.** It is provided that the Texas Workforce Commission is hereby authorized to grant compensatory time to authorized employees for overtime work performed at the employee's personal residence and for work performed at the employee's personal residence on state or national holidays. Work performed under this authority shall be approved in advance by the Executive Director and must be verified by appropriate records, which may include audiotapes, computer and telephone logs, and the time tracking and leave accounting system. Compensatory time is only granted when corresponding work is assigned.
- 21. Cash Flow Contingency for Texas Workforce Civil Rights Division.**
- a. Contingent upon the receipt of federal funds allocated under the annual fixed cost performance based contracts and special projects with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, and upon the submission of monthly reports on all funds transfers and performance on all key measures to the Legislative Budget Board, Governor, and Comptroller of Public Accounts, the commission may temporarily utilize additional General Revenue Funds, pending the receipt of federal reimbursement, in an amount not to exceed 75 percent of the amount as specified in the notification letter of federal award to be received in each year of the biennium. The General Revenue amounts utilized above the General Revenue method of

## TEXAS WORKFORCE COMMISSION

(Continued)

finance must be repaid upon receipt of federal reimbursement and shall be utilized only for the purpose of temporary cash flow needs. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller. All transfers of the method of finance shall be reported by the Texas Workforce Commission (TWC) Civil Rights Division to the Legislative Budget Board.

- b. TWC Civil Rights Division may temporarily utilize additional General Revenue Funds pending reimbursement through interagency contracts in an amount not to exceed 50 percent of the estimated interagency contract receipts to be received each year of the biennium to be adjusted by actual contract amounts. The General Revenue amounts utilized above the General Revenue method of finance must be repaid upon receipt of interagency contract reimbursement and shall be utilized only for the purpose of temporary cash flow needs. These transfers and repayments shall be in accordance with procedures established by the Comptroller. Any contract balance at the end of the first fiscal year of the biennium is hereby appropriated to the second fiscal year of the biennium.
- 22. Travel Expenditures.** The Texas Workforce Commission's Civil Rights Division is authorized to spend out of funds appropriated above up to \$1,500 per employee or Civil Rights Division's Board Member for each year of the biennium for out-of-state travel. This limitation shall not apply to out-of-state travel required by the U.S. Equal Employment Opportunity Commission or the U.S. Department of Housing and Urban Development if the cost of such travel is reimbursed by the federal government.
- 23. Limitation on Texas Fair Housing Act Investigations or Prosecutions.** No funds appropriated by this Act may be used to investigate or prosecute under the Texas Fair Housing Act any otherwise lawful activity, engaged in by one or more persons, that is engaged solely for the purpose of preventing action by a government official or court of competent jurisdiction.
- 24. Child Care Benefit Costs Paid with Federal Funds.** The Texas Workforce Commission shall pay all benefit costs to the Employees Retirement System related to Full-Time Equivalents (FTE) for salaries in A.3.4, Child Care Administration with Federal Funds. No funds shall be paid for salaries in Strategy A.3.1, TANF Choices Child Care, Strategy A.3.2, Transitional Child Care, Strategy A.3.3, At-Risk Child Care, and Strategy A.3.5, Child Care for Foster Care Families.
- 25. Temporary Assistance for Needy Families (TANF) Maintenance of Effort.** All General Revenue appropriated above for TANF maintenance of effort (MOE) shall be expended within the appropriate fiscal year for that purpose in order to secure the TANF federal block grant for the state. Out of funds appropriated above in Strategy A.3.1, TANF Choices Child Care, Strategy A.3.2, Transitional Child Care, and Strategy A.3.3, At-Risk Child Care, \$27,745,141 in General Revenue is appropriated for TANF MOE each fiscal year for TANF program Client Services or Grants. None of the General Revenue appropriated for TANF MOE in Strategy A.3.1, TANF Choices Child Care, Strategy A.3.2, Transitional Child Care, and Strategy A.3.3, At-Risk Child Care, may be transferred to any other item of appropriation or expended for any purpose other than the specific purpose for which the funds are appropriated. General Revenue may be transferred between the above mentioned three strategies.
- 26. Local Matching Funds.** Child Care Matching Federal Funds appropriated above are based upon an estimated local match of \$31,343,955 million in fiscal year 2010 and \$32,080,644 million in FY 2011, which includes \$2,500,000 in Appropriated Receipts appropriated above each year of the biennium in Strategy A.3.3, At-Risk Child Care.
- 27. School Readiness Models.** Out of federal funds appropriated to the Texas Workforce Commission in Strategies A.3.1, TANF Choices Child Care; A.3.2, Transitional Child Care; and A.3.3, At-Risk Child Care, the commission shall match the amount of available General Revenue for the Early Childhood School Readiness Programs funded in Rider 41 following the appropriation in Article III, to the Texas Education Agency to provide for each year of the 2010-11 state fiscal biennium a total amount equal to the greater of \$11,700,000, or the maximum amount allowable under the approved match rate for the purpose of providing funds to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. Not later than December 1st of each even-numbered year, the State Center for Early Childhood Development shall report to the Legislative Budget Board and the Office of the Governor the detailed use of all state funds expended by the center for early childhood education services.
- 28. Employment and Training Investment Assessment Reimbursement.** Amounts appropriated above in Strategy A.4.3, Unemployment Tax Collection, include an estimated amount of \$386,229

## TEXAS WORKFORCE COMMISSION

(Continued)

in fiscal year 2010 and \$386,230 in fiscal year 2011 in GR-Dedicated Employment and Training Investment Holding Account No. 5128 for the purpose of reimbursing the Federal Government for collection costs associated with the Employment and Training Investment Assessment in compliance with the collection cost methodology approved by the U.S. Department of Labor.

- 29. Reimbursement of Advisory Committee Members.** Pursuant to Government Code, Section 2110.004, Reimbursement of Expenses for Advisory Committee Members, out of funds appropriated above, not to exceed \$15,000 for fiscal years 2010-11, is limited to the Texas Veterans' Leadership Program Advisory Committee.
- 30. The Women's Institute for Technology Employment Training.** Out of funds appropriated above in Strategy A.1.4, Employment and Community Services, the Texas Workforce Commission shall allocate \$250,000 in fiscal year 2010 and \$250,000 in fiscal year 2011 to the Women's Institute for Technology Employment Training to support a comprehensive program with statewide activity funds to develop curriculum, courses and programs to prepare single women with children who are economically disadvantaged or on state or federal assistance, for entry-level jobs and careers in Texas manufacturing and technology based industries.
- 31. Texas Workforce and Economic Development Rider: Texas Economic Stimulus.**
- (a) The Texas Workforce Commission shall coordinate efforts to provide immediate relief to the state's businesses and citizens; support successful short-term employment skills development and training programs; and assist in aligning the educational institutions of the state to meet current and future workforce needs. To those ends, the legislature allocates funds as follows:
  - (b) Out of amounts appropriated above in Strategy A.2.1, Skills Development, the amounts of \$30,000,000 in General Revenue Fund are appropriated to the Texas Workforce Commission for the Skills Development Program for fiscal years 2010 and 2011 to train at least 15,000 additional workers;
  - (c) Out of amounts appropriated above in Strategy A.1.4, Employment and Community Services, the amounts of \$15,000,000 in General Revenue for fiscal years 2010 and 2011 are for public-private partnerships with employers to move Texans off of public benefits and into the workforce. This program would target first-time unemployment insurance claimants previously earning less than \$15/hour and reach up to 15,000 workers; and
  - (d) From funds appropriated above, the Texas Workforce Commission, through allocations to local workforce boards, shall enhance the workforce demand and supply data bases to provide up-to-date information about the projected number of workers in industry specific categories.

### REIMBURSEMENTS TO THE UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
GR Dedicated - Unemployment Compensation Special Administration Account No. 165, estimated	\$ 4,825,452	\$ 4,945,079
Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165, estimated	<u>11,912,605</u>	<u>12,207,929</u>
<b>Total, Method of Financing</b>	<u>\$ 16,738,057</u>	<u>\$ 17,153,008</u>

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Items of Appropriation:**

**A. Goal:** STATE'S UC REIMBURSEMENT  
Reimburse UC Benefit Account 937 for UC Paid to Former State Employees.

**REIMBURSEMENTS TO THE UNEMPLOYMENT  
COMPENSATION BENEFIT ACCOUNT**

(Continued)

<b>A.1.1. Strategy:</b> STATE'S UC REIMBURSEMENT	\$	16,738,057	\$	17,153,008
Reimburse UC Benefit Account 937 for UC Paid to Former State Employees.				

<b>Grand Total,</b> REIMBURSEMENTS TO THE UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT	\$	<u>16,738,057</u>	\$	<u>17,153,008</u>
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**Object-of-Expense Informational Listing:**

Other Personnel Costs	\$	<u>16,738,057</u>	\$	<u>17,153,008</u>
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<b>Total, Object-of-Expense Informational Listing</b>	\$	<u>16,738,057</u>	\$	<u>17,153,008</u>
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1. **Definition of Agency.** For the purposes of the Reimbursements to the Unemployment Compensation Benefit Account item, 'agency' includes a state agency as defined under § 2151.002, Government Code, which includes an institution of higher education (except a public junior college) as defined under § 61.003, Education Code.
  
2. **Reimbursements to the Unemployment Compensation Benefit Account No. 937.** Reimbursements to the Unemployment Compensation Benefit Account No. 937 shall be made from:
  - a. Funds identified as GR-Dedicated - Unemployment Compensation Special Administration Account No. 165 above, which consists of penalty and interest receipts collected under Sections 213.021 and 213.022, Texas Labor Code.
  
  - b. Funds identified as Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165 above, which consist of amounts transferred from other agencies' appropriations made elsewhere in this Act to state agencies in accordance with § 15.01, Reimbursements for Unemployment Benefits, in General Provisions of this Act.
  
3. **Funding Source for Unemployment Compensation Special Administration Account No. 165.** Funds identified in the method of financing above, Unemployment Compensation Special Administration Account No. 165, include penalty and interest receipts collected under Sections 213.021 and 213.022, Texas Labor Code and authorized for the payment of unemployment compensation benefits to former state employees pursuant to Section 203.202, Texas Labor Code. These amounts are estimated and are to be utilized for amounts not paid by state agency reimbursements.
  
4. **Funding Source for Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165.** Funds identified in the method of financing above, Interagency Transfers to the Unemployment Compensation Special Administration Account No. 165, include agency reimbursements from appropriations made elsewhere in this Act to GR-Dedicated Account No. 165. These amounts are estimated. Account No. 165 shall be reimbursed for one-half of the unemployment benefits paid from appropriations made in this Act to the state agency that previously employed each respective former state employee whose payroll warrants were originally issued in whole or in part from the General Revenue Fund, a dedicated General Revenue Account, Federal Funds or Other Funds, such as State Highway Fund No. 006.
  
5. **Proportionality Requirements for Agency Reimbursements related to Unemployment Compensation Benefits.** From information related to unemployment benefits paid on behalf of previously employed former state employees provided by the Texas Workforce Commission, the Comptroller shall determine the proportionate amount of the reimbursement or payment due from the General Revenue Fund, any General Revenue-Dedicated Accounts, Federal Funds or Other Funds from appropriations made elsewhere in this Act to state agencies. The Comptroller shall transfer these amounts of appropriations made elsewhere in this Act to the Unemployment Compensation Special Administration Account No 165. The amounts reimbursed pursuant to this provision are hereby appropriated to the Unemployment Compensation Special Administration Account No. 165 for the purpose of reimbursing the Unemployment Compensation Benefit Account No. 937. These reimbursement requirements may be waived, either in whole or in part, by the Legislative Budget Board.
  
6. **Cash Flow Contingency.** Contingent upon the receipt of state agency reimbursements, the Texas Workforce Commission (TWC) may temporarily utilize additional GR-Dedicated Unemployment Compensation Special Administration Account No. 165 funds, in an amount not to exceed the anticipated state agency reimbursement. The Account No. 165 amounts utilized above amounts

**REIMBURSEMENTS TO THE UNEMPLOYMENT  
COMPENSATION BENEFIT ACCOUNT**

(Continued)

appropriated from penalty and interest collections as identified in Rider 2(a) must be repaid upon receipt of state agency reimbursements for previously paid payroll warrants and shall be utilized only for the purpose of temporary cash flow needs. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be made in accordance with established state accounting procedures. All transfers of the method of finance shall be reported by the TWC on a monthly basis to the Legislative Budget Board and Governor.

**RETIREMENT AND GROUP INSURANCE**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund, estimated	\$ 4,692,323	\$ 5,124,202
General Revenue Dedicated Accounts, estimated	3,389,045	3,604,340
Federal Funds, estimated	37,111,782	39,998,807
<u>Other Funds</u>		
Other Special State Funds, estimated	1,340,711	1,418,026
State Highway Fund No. 006, estimated	187,956,297	201,889,189
Subtotal, Other Funds	<u>\$ 189,297,008</u>	<u>\$ 203,307,215</u>
<b>Total, Method of Financing</b>	<u><u>\$ 234,490,158</u></u>	<u><u>\$ 252,034,564</u></u>
<b>Items of Appropriation:</b>		
<b>A. Goal: EMPLOYEES RETIREMENT SYSTEM</b>		
<b>A.1.1. Strategy: RETIREMENT CONTRIBUTIONS</b>	\$ 50,547,603	\$ 51,305,817
Retirement Contributions. Estimated.		
<b>A.1.2. Strategy: GROUP INSURANCE</b>	<u>\$ 183,942,555</u>	<u>\$ 200,728,747</u>
Group Insurance. Estimated.		
<b>Total, Goal A: EMPLOYEES RETIREMENT SYSTEM</b>	<u>\$ 234,490,158</u>	<u>\$ 252,034,564</u>
<b>Grand Total, RETIREMENT AND GROUP INSURANCE</b>	<u><u>\$ 234,490,158</u></u>	<u><u>\$ 252,034,564</u></u>

**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund, estimated	\$ 1,073,710	\$ 1,082,820
General Revenue Dedicated Accounts, estimated	1,610,171	1,625,862
Federal Funds, estimated	10,575,889	10,661,700
<u>Other Funds</u>		
Other Special State Funds, estimated	399,456	403,434
State Highway Fund No. 006, estimated	53,690,220	54,112,129
Subtotal, Other Funds	<u>\$ 54,089,676</u>	<u>\$ 54,515,563</u>
<b>Total, Method of Financing</b>	<u><u>\$ 67,349,446</u></u>	<u><u>\$ 67,885,945</u></u>
<b>Items of Appropriation:</b>		
<b>A. Goal: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>		
Comptroller - Social Security.		



**SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY**  
(Continued)

<b>A.1.1. Strategy:</b> STATE MATCH -- EMPLOYER State Match — Employer. Estimated.	\$ 60,061,063	\$ 60,961,980
<b>A.1.2. Strategy:</b> BENEFIT REPLACEMENT PAY Benefit Replacement Pay. Estimated.	<u>\$ 7,288,383</u>	<u>\$ 6,923,965</u>
<b>Total, Goal A:</b> SOCIAL SECURITY/BENEFIT REPLACEMENT	<u>\$ 67,349,446</u>	<u>\$ 67,885,945</u>
<b>Grand Total,</b> SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY	<u>\$ 67,349,446</u>	<u>\$ 67,885,945</u>

**BOND DEBT SERVICE PAYMENTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 9,682,374</u>	<u>\$ 11,699,442</u>
<b>Total, Method of Financing</b>	<u>\$ 9,682,374</u>	<u>\$ 11,699,442</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> BOND DEBT SERVICE	\$ 9,682,374	\$ 11,699,442 & UB
To Texas Public Finance Authority for Payment of Bond Debt Service.		
<b>Grand Total,</b> BOND DEBT SERVICE PAYMENTS	<u>\$ 9,682,374</u>	<u>\$ 11,699,442</u>

**LEASE PAYMENTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	<u>\$ 1,135,235</u>	<u>\$ 1,119,850</u>
<b>Total, Method of Financing</b>	<u>\$ 1,135,235</u>	<u>\$ 1,119,850</u>
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> LEASE PAYMENTS	\$ 1,135,235	\$ 1,119,850 & UB
To TFC for Payment to TPFA.		
<b>Grand Total,</b> LEASE PAYMENTS	<u>\$ 1,135,235</u>	<u>\$ 1,119,850</u>

**RECAPITULATION - ARTICLE VII  
BUSINESS AND ECONOMIC DEVELOPMENT  
(General Revenue)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Department of Housing and Community Affairs	\$ 22,643,144	\$ 22,596,988
Texas Lottery Commission	15,546,681	15,520,280
Department of Motor Vehicles	0	16,445,711
Contingency Appropriations	<u>200,000</u>	<u>0</u>
Total	200,000	16,445,711
Texas Department of Rural Affairs	9,788,299	9,748,206
Department of Transportation	47,027,498	103,054,983
Texas Workforce Commission	<u>144,289,397</u>	<u>144,289,391</u>
Subtotal, Business and Economic Development	<u>\$ 239,495,019</u>	<u>\$ 311,655,559</u>
Retirement and Group Insurance	4,692,323	5,124,202
Social Security and Benefit Replacement Pay	<u>1,073,710</u>	<u>1,082,820</u>
Subtotal, Employee Benefits	<u>\$ 5,766,033</u>	<u>\$ 6,207,022</u>
Bond Debt Service Payments	9,682,374	11,699,442
Lease Payments	<u>1,135,235</u>	<u>1,119,850</u>
Subtotal, Debt Service	<u>\$ 10,817,609</u>	<u>\$ 12,819,292</u>
<b>TOTAL, ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT</b>	<u><b>\$ 256,078,661</b></u>	<u><b>\$ 330,681,873</b></u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VII  
BUSINESS AND ECONOMIC DEVELOPMENT  
(General Revenue - Dedicated)<sup>1</sup>**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
Texas Lottery Commission	\$ 183,361,743	\$ 179,785,075
Texas Department of Rural Affairs	2,100,000	2,100,000
Department of Transportation	629,703	629,703
Texas Workforce Commission	5,887,808	5,898,323
Reimbursements to the Unemployment Compensation Benefit Account	<u>4,825,452</u>	<u>4,945,079</u>
 Subtotal, Business and Economic Development	 <u>\$ 196,804,706</u>	 <u>\$ 193,358,180</u>
 Retirement and Group Insurance	 3,389,045	 3,604,340
Social Security and Benefit Replacement Pay	<u>1,610,171</u>	<u>1,625,862</u>
 Subtotal, Employee Benefits	 <u>\$ 4,999,216</u>	 <u>\$ 5,230,202</u>
 TOTAL, ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT	 <u>\$ 201,803,922</u>	 <u>\$ 198,588,382</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VII  
BUSINESS AND ECONOMIC DEVELOPMENT  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Department of Housing and Community Affairs	\$ 132,646,833	\$ 132,676,861
Department of Motor Vehicles	0	665,700
Texas Department of Rural Affairs	78,156,478	78,006,478
Department of Transportation	2,886,774,043	2,764,336,628
Texas Workforce Commission	<u>877,577,794</u>	<u>879,951,465</u>
 Subtotal, Business and Economic Development	 <u>\$ 3,975,155,148</u>	 <u>\$ 3,855,637,132</u>
 Retirement and Group Insurance	 37,111,782	 39,998,807
Social Security and Benefit Replacement Pay	<u>10,575,889</u>	<u>10,661,700</u>
 Subtotal, Employee Benefits	 <u>\$ 47,687,671</u>	 <u>\$ 50,660,507</u>
 TOTAL, ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT	 <u>\$ 4,022,842,819</u>	 <u>\$ 3,906,297,639</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VII  
BUSINESS AND ECONOMIC DEVELOPMENT  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, <u>2010</u>	August 31, <u>2011</u>
Department of Housing and Community Affairs	\$ 16,415,087	\$ 16,574,912
Department of Motor Vehicles	0	125,630,222
Texas Department of Rural Affairs	653,803	653,803
Department of Transportation	5,153,350,937	5,984,103,751
Texas Workforce Commission	33,942,475	33,934,498
Reimbursements to the Unemployment Compensation Benefit Account	<u>11,912,605</u>	<u>12,207,929</u>
 Subtotal, Business and Economic Development	 <u>\$ 5,216,274,907</u>	 <u>\$ 6,173,105,115</u>
 Retirement and Group Insurance	 189,297,008	 203,307,215
Social Security and Benefit Replacement Pay	<u>54,089,676</u>	<u>54,515,563</u>
 Subtotal, Employee Benefits	 <u>\$ 243,386,684</u>	 <u>\$ 257,822,778</u>
 Less Interagency Contracts	 <u>\$ 46,075,006</u>	 <u>\$ 46,242,450</u>
 TOTAL, ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT	 <u>\$ 5,413,586,585</u>	 <u>\$ 6,384,685,443</u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VII  
BUSINESS AND ECONOMIC DEVELOPMENT  
(All Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Department of Housing and Community Affairs	\$ 171,705,064	\$ 171,848,761
Texas Lottery Commission	198,908,424	195,305,355
Department of Motor Vehicles	0	142,741,633
Contingency Appropriations	<u>200,000</u>	<u>0</u>
Total	200,000	142,741,633
Texas Department of Rural Affairs	90,698,580	90,508,487
Department of Transportation	8,087,782,181	8,852,125,065
Texas Workforce Commission	1,061,697,474	1,064,073,677
Reimbursements to the Unemployment Compensation Benefit Account	<u>16,738,057</u>	<u>17,153,008</u>
Subtotal, Business and Economic Development	<u>\$ 9,627,729,780</u>	<u>\$ 10,533,755,986</u>
Retirement and Group Insurance	234,490,158	252,034,564
Social Security and Benefit Replacement Pay	<u>67,349,446</u>	<u>67,885,945</u>
Subtotal, Employee Benefits	<u>\$ 301,839,604</u>	<u>\$ 319,920,509</u>
Bond Debt Service Payments	9,682,374	11,699,442
Lease Payments	<u>1,135,235</u>	<u>1,119,850</u>
Subtotal, Debt Service	<u>\$ 10,817,609</u>	<u>\$ 12,819,292</u>
Less Interagency Contracts	<u>\$ 46,075,006</u>	<u>\$ 46,242,450</u>
TOTAL, ARTICLE VII - BUSINESS AND ECONOMIC DEVELOPMENT	<u>\$ 9,894,311,987</u>	<u>\$ 10,820,253,337</u>
Number of Full-Time-Equivalents (FTE)	18,245.7	18,243.7

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**ARTICLE VIII**  
**REGULATORY<sup>1</sup>**

Sec. 1. The several sums of money herein specified, or so much thereby as may be necessary, are appropriated out of any funds in the State Treasury not otherwise appropriated, or out of special funds as indicated, for the support, maintenance, or improvement of the designated regulatory agencies.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

	<u>For the Years Ending</u> August 31, 2010	<u>August 31,</u> 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 3,490,002	\$ 3,484,353
<u>Other Funds</u>		
State Highway Fund No. 006	3,239,763	3,239,763
Appropriated Receipts	150,000	150,000
Interagency Contracts	3,669,448	3,669,449
Subtotal, Other Funds	<u>\$ 7,059,211</u>	<u>\$ 7,059,212</u>
<b>Total, Method of Financing</b>	<u>\$ 10,549,213</u>	<u>\$ 10,543,565</u>
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	126.0	127.0
<b>Schedule of Exempt Positions:</b>		
Chief Administrative Law Judge, Group 5	\$122,500	\$122,500
<b>Items of Appropriation:</b>		
<b>A. Goal: ADMINISTRATIVE HEARINGS</b>		
Provide for a Fair and Efficient Administrative Hearings Process.		
<b>A.1.1. Strategy: CONDUCT HEARINGS</b>	\$ 9,365,182	\$ 9,380,485
Conduct Hearings and Prepare Proposals for Decisions and Final Orders.		
<b>A.2.1. Strategy: CONDUCT ALT DISPUTE RESOLUTION</b>	<u>\$ 256,284</u>	<u>\$ 227,289</u>
Conduct Alternative Dispute Resolution Proceedings.		
<b>Total, Goal A: ADMINISTRATIVE HEARINGS</b>	<u>\$ 9,621,466</u>	<u>\$ 9,607,774</u>
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: INDIRECT ADMINISTRATION</b>	\$ 927,747	\$ 935,791
<b>Grand Total, STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>	<u>\$ 10,549,213</u>	<u>\$ 10,543,565</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 8,731,210	\$ 8,766,210
Other Personnel Costs	186,345	203,880
Professional Fees and Services	35,765	35,265
Consumable Supplies	69,223	69,931
Utilities	127,704	162,758
Travel	85,000	90,000
Rent - Building	217,614	222,614
Rent - Machine and Other	28,915	28,915

<sup>1</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the Department of Banking, the Office of Consumer Credit Commissioner, the Credit Union Department, and the Department of Savings and Mortgage Lending becoming self-directed and semi-independent agencies. As such, appropriations for these agencies are voided since these agencies are removed from the legislative budgeting process and are generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
(Continued)

Other Operating Expense	996,647	963,992
Capital Expenditures	70,790	0
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 10,549,213</b>	<b>\$ 10,543,565</b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 491,485	\$ 498,858
Group Insurance	707,816	760,803
Social Security	600,335	609,340
Benefits Replacement	47,086	44,732
Subtotal, Employee Benefits	\$ 1,846,722	\$ 1,913,733
<u>Debt Service</u>		
Lease Payments	\$ 464,762	\$ 459,779
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 2,311,484</b>	<b>\$ 2,373,512</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the State Office of Administrative Hearings. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the State Office of Administrative Hearings. In order to achieve the objectives and service standards established by this Act, the State Office of Administrative Hearings shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ADMINISTRATIVE HEARINGS</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Participants Surveyed Expressing Satisfaction with Overall Process	92%	92%
Percentage of Proposed Decisions Related to Tax Hearings Issued by Administrative Law Judges within 40 Days of Record Closing	100%	100%
<b>A.1.1. Strategy: CONDUCT HEARINGS</b>		
<b>Output (Volume):</b>		
Number of Administrative License Revocation Cases Disposed	28,828	28,828
Number of Cases Disposed	36,848	36,848
Number of Administrative Fine Cases Disposed	191	191
Percent of Available Administrative Law Judge Time Spent on Case Work	100%	100%
Number of Proposals for Decision Related to Tax Hearings Rendered by Administrative Law Judges	207	207
<b>Efficiencies:</b>		
Average Number of Days from Close of Record to Issuance of Proposal for Decision - Major Hearings	52.6	52.6
Average Time to Dispose of a Case (Median Number of Days)	102	102
Average Length of Time (Work Days) Taken to Issue a Proposed Decision Related to Tax Hearings Following Record Closing	5.18	5.18
<b>Explanatory:</b>		
Number of Cases Received	39,971	39,179
Number of Agencies Served	49	49
<b>A.2.1. Strategy: CONDUCT ALT DISPUTE RESOLUTION</b>		
<b>Explanatory:</b>		
Number of Alternative Dispute Resolution Cases Requested or Referred	139	139

- 2. Capital Budget.** None of the funds appropriated may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital



**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
(Continued)

budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Electronic Filing System	\$ 151,705	\$ 0
(2) Replacement Purchase of personal computers	\$ 26,800	\$ 84,800
 Total, Acquisition of Information Resource Technologies	 \$ 178,505	 \$ 84,800
 Total, Capital Budget	 \$ 178,505	 \$ 84,800
 Method of Financing (Capital Budget):		
Interagency Contracts	\$ 178,505	\$ 84,800
 Total, Method of Financing	 \$ 178,505	 \$ 84,800

3. **Renegotiation of Lump Sum Contract.** Appropriations made above in Strategy A.1.1, Conduct Hearings, include \$938,860 in fiscal year 2010 and \$938,860 in fiscal year 2011 in Interagency Contracts to fund the Natural Resources Division for the purpose of conducting hearings for the Texas Commission on Environmental Quality (TCEQ). The State Office of Administrative Hearings (SOAH) and TCEQ may not enter into a contract for an amount less than the specified amounts herein above. If SOAH determines, at the end of each fiscal year, that the amount paid under the contract exceeds the funding necessary for the Natural Resources Division, it shall refund the difference. If SOAH determines that these amounts are insufficient to fund the Natural Resources Division it may enter into negotiations with the TCEQ in order to renegotiate an interagency contract in a manner which will provide it with additional funds, provided that SOAH shall not be appropriated any state funds from such renegotiated interagency contract until it gives prior written notice to the Legislative Budget Board and the Governor, accompanied by written permission of the TCEQ.
  
4. **Benefit Collection.** Agencies that enter into contracts with the State Office of Administrative Hearings (SOAH), for the purpose of performing the hearings function, and make payments to SOAH from funding sources other than General Revenue, must reimburse SOAH for employee benefit costs for salaries and wages. These reimbursements to SOAH will then be paid to the General Revenue Fund in proportion to the source of funds from which the respective salary or wage is paid.
  
5. **Contingency Appropriation for Expanded Jurisdiction.** Contingent on the enactment of legislation by the Eighty-first Legislature transferring the hearings functions of other state agencies to the State Office of Administrative Hearings (SOAH), or otherwise expanding the jurisdiction of the office, SOAH is hereby authorized to expend funds transferred to the office from those agencies or funds appropriated for the purpose of handling the expanded jurisdiction, pursuant to provisions elsewhere in this Act. Appropriations authorized pursuant to this provision may be expended only to implement the transferred functions or expanded jurisdiction. All funds collected by SOAH as payment for, or reimbursement of, the office's costs of providing services to other state agencies or governmental entities, or others as directed by the Legislature, are appropriated to SOAH for its use during the biennium.
  
6. **Hearings Activity Report.** By May 1st and November 1st of each fiscal year, the State Office of Administrative Hearings (SOAH) shall submit to the Legislative Budget Board and the Governor a report detailing hearings activity conducted during the prior two fiscal year quarters. The report shall indicate, for each agency served, the person hours allocated to the agency's cases and the cost, both direct and indirect, of conducting the hearings. The report shall also indicate, for each agency served, the number of cases received, the number of cases disposed of, the number of administrative fine cases disposed of and the median number of days between the date a case is received by SOAH and the date the case is finally disposed of, during the reporting period.
  
7. **Interagency Contract for Administrative Law Judge Training.** Out of funds appropriated above, the State Office of Administrative Hearings shall contract in the amount of \$25,000 for training of Administrative Law Judges. Any amounts not expended as of August 31, 2010, are

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
(Continued)

appropriated for the fiscal year beginning September 1, 2010. The State Office of Administrative Hearings' travel expenses, including travel expenses incurred by staff for out-of-state travel related to Administrative Law Judge training, are limited to the amount established in this rider.

**8. Contingency for Additional Self-directed Semi-independent Agency Pilot Projects.**

Contingent upon additional agencies added as a self-directed semi-independent (SDSI) agency pilot project by the Legislature during the 2010-11 biennium, any agency added as a SDSI pilot project that is listed in Rider 9 shall be removed from the exemption granted in Rider 9 below.

**9. Billing Rate for Workload.**

- a. Unless otherwise provided, amounts appropriated above and elsewhere in this Act for funding for the payment of costs associated with administrative hearings conducted by the State Office of Administrative Hearings (SOAH) are based on an hourly rate of \$100 per hour for each hour of work performed during each fiscal year as reflected by the SOAH's Legislative Appropriation Request and Hearings Activity Report to the Eighty-first Legislature.
- b. Notwithstanding other provisions in this act, amounts for the payment of costs associated with administrative hearings conducted by SOAH for the Comptroller of Public Accounts shall be established through an interagency contract between the two agencies. The contract shall provide funding for hearings on tax issues conducted by Master Administrative Law Judge IIs in a separate tax division within SOAH that have expertise in state tax and shall specify the salaries of the judges within the division.
- c. Amounts appropriated above in Strategy A.1.1, Conduct Hearings, to SOAH from the General Revenue Fund include funding in each year of the biennium for billable casework hours performed by SOAH for conducting administrative hearings at the rate determined by SOAH and approved by the Legislature for the following agencies that do not have appropriations for paying SOAH costs for administrative hearings and are not subject to subsection (a) of this Section:
  - (1) Real Estate Commission (not including Residential Service Companies and Texas Timeshare Act hearings)
  - (2) Board of Chiropractic Examiners
  - (3) Credit Union Department<sup>2</sup>
  - (4) Texas State Board of Dental Examiners
  - (5) Funeral Service Commission
  - (6) Board of Professional Geoscientists
  - (7) Board of Professional Land Surveying
  - (8) Texas Medical Board
  - (9) Texas Board of Nursing
  - (10) Optometry Board
  - (11) Board of Pharmacy
  - (12) Executive Council of Physical Therapy and Occupational Therapy Examiners
  - (13) Board of Plumbing Examiners
  - (14) Board of Podiatric Medical Examiners
  - (15) Board of Examiners of Psychologists
  - (16) Board of Tax Professional Examiners
  - (17) Board of Veterinary Medical Examiners
  - (18) Secretary of State
  - (19) Securities Board
  - (20) Public Utility Commission of Texas
  - (21) Teacher Retirement System
  - (22) Fire Fighters' Pension Commissioner
  - (23) Employees Retirement System
  - (24) Department of Housing and Community Affairs
  - (25) Texas Lottery Commission
  - (26) Department of Public Safety (Non-Administrative License Revocation Hearings)
  - (27) Commission on Law Enforcement Officer Standards and Education
  - (28) Commission on Fire Protection

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<sup>2</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the agency becoming a Self-directed Semi-independent (SDSI) agency. See also Rider 8, Contingency for additional Self-directed Semi-independent Agency Pilot Projects.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

(Continued)

- (29) Department of Insurance (not including the Division of Workers' Compensation)
- (30) Alcoholic Beverage Commission
- (31) Racing Commission
- (32) Department of Agriculture
- (33) Department of Transportation (not including the Motor Vehicle Division)
- (34) Higher Education Coordinating Board
- (35) Parks and Wildlife Department
- (36) Department of Licensing and Regulation

**BOARD OF CHIROPRACTIC EXAMINERS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>          </u>	<u>          </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 610,620	\$ 592,620
Appropriated Receipts	<u>31,000</u>	<u>31,000</u>
<b>Total, Method of Financing</b>	<u>\$ 641,620</u>	<u>\$ 623,620</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 152,060	\$ 153,102
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	11.0	11.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: ENSURE PUBLIC PROTECTION</b>		
Provide Public Protection through Enforcement of Chiropractic Statutes.		
<b>A.1.1. Strategy: LICENSING SYSTEM</b>	\$ 171,736	\$ 167,236
Operate a Comprehensive Licensing System for Chiropractors.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 29,850	\$ 29,850
TexasOnline. Estimated and Nontransferable.		
<b>A.2.1. Strategy: ENFORCEMENT</b>	<u>\$ 261,843</u>	<u>\$ 248,343</u>
Provide a System to Investigate and Resolve Complaints.		
<b>Total, Goal A: ENSURE PUBLIC PROTECTION</b>	<u>\$ 463,429</u>	<u>\$ 445,429</u>
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: LICENSING INDIRECT ADMINISTRATION</b>	\$ 110,700	\$ 110,701
Indirect Administration for Licensing system.		
<b>B.1.2. Strategy: ENFORCEMENT INDIRECT ADMINISTRATION</b>	<u>\$ 67,491</u>	<u>\$ 67,490</u>
Indirect Administration for Enforcement.		
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	<u>\$ 178,191</u>	<u>\$ 178,191</u>
<b>Grand Total, BOARD OF CHIROPRACTIC EXAMINERS</b>	<u>\$ 641,620</u>	<u>\$ 623,620</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 490,000	\$ 490,000
Other Personnel Costs	8,000	8,000
Professional Fees and Services	22,000	22,000
Consumable Supplies	4,500	4,500

**BOARD OF CHIROPRACTIC EXAMINERS**  
(Continued)

Utilities	400	400
Travel	23,000	23,000
Rent - Building	400	400
Other Operating Expense	93,320	75,320
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 641,620</b>	<b>\$ 623,620</b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<u>Employee Benefits</u>		
Retirement	\$ 17,221	\$ 17,479
Group Insurance	39,315	42,260
Social Security	24,037	24,398
Subtotal, Employee Benefits	\$ 80,573	\$ 84,137
<u>Debt Service</u>		
Lease Payments	\$ 8,189	\$ 5,175
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 88,762</b>	<b>\$ 89,312</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Chiropractic Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Chiropractic Examiners. In order to achieve the objectives and service standards established by this Act, the Board of Chiropractic Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ENSURE PUBLIC PROTECTION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	98%	98%
Percent of Licensees Who Renew Online	84%	84%
Percent of Complaints Resulting in Disciplinary Action	19%	19%
<b>A.1.1. Strategy: LICENSING SYSTEM</b>		
<b>Output (Volume):</b>		
Number of Individuals Examined	280	280
Number of New Licenses Issued to Individuals	250	250
Number of Licenses Renewed (Individuals)	5,200	5,200
<b>Explanatory:</b>		
Total Number of Business Facilities Licensed	3,300	3,300
<b>A.2.1. Strategy: ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	300	300
<b>Efficiencies:</b>		
Average Time Per Complaint Resolution (Days)	350	350
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	275	275

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Chiropractic Examiners in Strategy A.1.1, Licensing System, the amounts of \$31,350 in fiscal year 2010 and \$26,850 in fiscal year 2011, and in Strategy A.2.1, Enforcement, the amounts of \$99,050 in fiscal year 2010 and \$85,550 in fiscal year 2011, and in Strategy B.1.1, Licensing Indirect Administration, the amounts of \$41,165 in fiscal year 2010 and \$41,166 in fiscal year 2011, and in Strategy B.1.2, Enforcement Indirect Administration, the amounts of \$1,166 in fiscal year 2010 and \$1,165 in fiscal year 2011 in General Revenue are contingent upon the Board of Chiropractic Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$410,315 in excess of \$2,150,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 2.5 FTEs in each fiscal year contingent upon the Board of Chiropractic Examiners generating the amount of revenue indicated above. The Board of Chiropractic Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Chiropractic Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the

**BOARD OF CHIROPRACTIC EXAMINERS**  
(Continued)

information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**TEXAS STATE BOARD OF DENTAL EXAMINERS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 2,699,845	\$ 2,102,718
Appropriated Receipts	72,000	72,000
<b>Total, Method of Financing</b>	<b>\$ 2,771,845</b>	<b>\$ 2,174,718</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 491,218	\$ 495,031
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	37.0	37.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 2	\$82,500	\$82,500
<b>Items of Appropriation:</b>		
<b>A. Goal: QUALITY DENTAL CARE</b>		
To Ensure Quality Dental Care for the People of Texas.		
<b>A.1.1. Strategy: COMPLAINT RESOLUTION</b> Provide a System to Investigate and Resolve Complaints.	\$ 1,241,047	\$ 1,238,207
<b>A.1.2. Strategy: PEER ASSISTANCE PROGRAM</b> Provide a Peer Assistance Program for Licensed Individuals.	\$ 124,312	\$ 124,312
<b>A.2.1. Strategy: LICENSURE &amp; REGISTRATION<sup>1</sup></b> Conduct an Efficient Licensure Process.	\$ 1,096,646	\$ 502,359
<b>A.2.2. Strategy: TEXASONLINE</b> TexasOnline. Estimated and Nontransferable.	\$ 184,629	\$ 184,629
<b>Total, Goal A: QUALITY DENTAL CARE</b>	\$ 2,646,634	\$ 2,049,507
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: INDIRECT ADMIN - LICENSURE</b> Indirect Administration - Licensure and Registration.	\$ 42,279	\$ 42,279
<b>B.1.2. Strategy: IND ADMIN - COMPLAINT RESOLUTION</b> Indirect Administration - Complaint Resolution.	\$ 82,932	\$ 82,932
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	\$ 125,211	\$ 125,211
<b>Grand Total, TEXAS STATE BOARD OF DENTAL EXAMINERS</b>	<b>\$ 2,771,845</b>	<b>\$ 2,174,718</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,443,522	\$ 1,443,522
Other Personnel Costs	28,100	28,565
Professional Fees and Services	222,538	212,406
Consumable Supplies	33,500	33,500

<sup>1</sup> Incorporates Article IX, § 17.86, of this Act, due to the enactment of SB 455, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts, resulting in an increase in General Revenue Funds of \$10,132 in FY 2010 contingent upon the agency generating sufficient revenue.

**TEXAS STATE BOARD OF DENTAL EXAMINERS**  
(Continued)

Utilities	10,650	11,250
Travel	51,000	51,000
Rent - Building	950	950
Rent - Machine and Other	6,250	6,250
Other Operating Expense	975,335	387,275

**Total, Object-of-Expense Informational Listing** \$ 2,771,845    \$ 2,174,718

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 57,460	\$ 58,322
Group Insurance	167,463	182,067
Social Security	89,337	90,677
Benefits Replacement	3,651	3,469

Subtotal, Employee Benefits \$ 317,911    \$ 334,535

Debt Service

Lease Payments	\$ 29,244	\$ 18,483
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 347,155    \$ 353,018

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas State Board of Dental Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas State Board of Dental Examiners. In order to achieve the objectives and service standards established by this Act, the Texas State Board of Dental Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: QUALITY DENTAL CARE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resulting in Disciplinary Action	16%	16%
Percent of Licensees with No Recent Violations: Dentist	99.5%	99.5%
Percent of Licensees Who Renew Online	95%	95%
Percent of New Individual Licenses Issued Online	50%	50%
<b>A.1.1. Strategy: COMPLAINT RESOLUTION</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	665	715
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	249	244
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	900	900
<b>A.1.2. Strategy: PEER ASSISTANCE PROGRAM</b>		
<b>Output (Volume):</b>		
Number of Licensed Individuals Participating in a Peer Assistance Program	65	65
<b>A.2.1. Strategy: LICENSURE &amp; REGISTRATION</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals: Dentists	500	500
Number of Licenses Renewed (Individuals): Dentists	13,250	13,508
Number of New Licenses Issued to Individuals: Dental Hygienists	450	450
Number of Licenses Renewed (Individuals): Dental Hygienists	10,787	11,138
<b>Explanatory:</b>		
Total Number of Business Facilities Licensed	1,080	1,080

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Texas State Board of Dental Examiners in Strategy A.1.1, Complaint Resolution, the amounts of \$203,424 in fiscal year 2010 and \$199,424 in fiscal year 2011, in Strategy A.2.1, Licensure and Registration, the amounts of \$666,211 in fiscal year 2010 and \$80,939 in fiscal year 2011, in Strategy B.1.1, Indirect Administration - Licensure, the amounts of \$2,418 in fiscal year 2010 and \$2,418 in fiscal year 2011, in Strategy B.1.2, Indirect Administration - Complaint Resolution, the amounts of \$6,219 in fiscal year 2010 and \$6,219 in fiscal year 2011 in General Revenue are contingent upon the Texas State Board of Dental Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,309,310 in excess of \$7,328,204 (Object Codes 3570 and 3562), contained

**TEXAS STATE BOARD OF DENTAL EXAMINERS**  
(Continued)

in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 2.0 FTEs in each fiscal year contingent upon the Texas State Board of Dental Examiners generating the amount of revenue indicated above. The Texas State Board of Dental Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas State Board of Dental Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**FUNERAL SERVICE COMMISSION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 743,751	\$ 737,751
Appropriated Receipts	58,000	58,000
<b>Total, Method of Financing</b>	<b>\$ 801,751</b>	<b>\$ 795,751</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 184,753	\$ 185,517
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>1</sup></b>	13.0	13.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: COMPETENT LICENSEES</b>		
Manage Examination/Licensure to Develop Competent & Ethical Licensees.		
<b>A.1.1. Strategy: LICENSING REQUIREMENTS<sup>1</sup></b>	\$ 321,583	\$ 318,583
Issue and Renew Licenses, Monitor Continuing Education.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 39,000	\$ 39,000
TexasOnline. Estimated and Nontransferable.		
<b>Total, Goal A: COMPETENT LICENSEES</b>	<b>\$ 360,583</b>	<b>\$ 357,583</b>
<b>B. Goal: ENFORCE STANDARDS</b>		
To Aggressively & Effectively Provide Enforcement & Protect the Public.		
<b>B.1.1. Strategy: INSPECTIONS</b>	\$ 164,796	\$ 164,796
Provide Enforcement through Inspections and Investigations.		
<b>B.2.1. Strategy: RULE COMPLIANCE<sup>1</sup></b>	\$ 186,064	\$ 183,064
Review Investigated Complaints & Recommend Disciplinary/Other Action.		
<b>Total, Goal B: ENFORCE STANDARDS</b>	<b>\$ 350,860</b>	<b>\$ 347,860</b>
<b>C. Goal: INDIRECT ADMINISTRATION</b>		
<b>C.1.1. Strategy: INDIRECT ADMIN-LICENSING</b>	\$ 51,055	\$ 51,055
Indirect Administration - Licensing Requirements.		

<sup>1</sup> Incorporates Article IX, § 17.43, of this Act, due to the enactment of HB 1468, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of funeral services, funeral homes, cemeteries and crematories; providing penalties, resulting in an increase in General Revenue Funds of \$52,000 and 1.0 FTE in FY 2010 and \$46,000 and 1.0 FTE in FY 2011 contingent upon the agency generating sufficient revenue.

**FUNERAL SERVICE COMMISSION**  
(Continued)

<b>C.1.2. Strategy:</b> INDIRECT ADMIN - INSPECTIONS	\$ 21,191	\$ 21,191
Indirect Administration - Inspections.		
<b>C.1.3. Strategy:</b> INDIRECT ADMIN - RULE COMPLIANCE	\$ 18,062	\$ 18,062
Indirect Administration - Rule Compliance.		
<b>Total, Goal C:</b> INDIRECT ADMINISTRATION	<u>\$ 90,308</u>	<u>\$ 90,308</u>
<b>Grand Total, FUNERAL SERVICE COMMISSION</b>	<u>\$ 801,751</u>	<u>\$ 795,751</u>

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 533,849	\$ 533,849
Other Personnel Costs	6,360	6,360
Professional Fees and Services	25,398	25,398
Consumable Supplies	10,911	10,911
Utilities	4,000	4,000
Travel	41,000	41,000
Rent - Building	500	500
Rent - Machine and Other	3,050	3,050
Other Operating Expense	<u>176,683</u>	<u>170,683</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 801,751</u>	<u>\$ 795,751</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 23,468	\$ 23,820
Group Insurance	54,785	58,782
Social Security	<u>30,326</u>	<u>30,781</u>

Subtotal, Employee Benefits	<u>\$ 108,579</u>	<u>\$ 113,383</u>
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Debt Service

Lease Payments	<u>\$ 11,995</u>	<u>\$ 7,581</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 120,574</u>	<u>\$ 120,964</u>
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1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Funeral Service Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Funeral Service Commission. In order to achieve the objectives and service standards established by this Act, the Funeral Service Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: COMPETENT LICENSEES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	96%	96%
Percent of Licensees Who Renew Online	85%	85%
Percent of New Individual Licenses Issued Online	10%	10%
<b>A.1.1. Strategy: LICENSING REQUIREMENTS</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	380	380
Number of Individual Licenses Renewed	2,250	2,300
Number of New Licenses Issued to Facilities	110	110
Number of Facility Licenses Renewed	1,375	1,375
<b>Explanatory:</b>		
Total Number of Individuals Licensed	4,900	4,900
Total Number of Facilities Licensed	1,400	1,400
<b>B. Goal: ENFORCE STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resolved within Six Months	80%	80%
Percent of Complaints Resulting in Disciplinary Action	25%	25%
<b>B.1.1. Strategy: INSPECTIONS</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	230	230
Number of Establishments Inspected	1,400	1,400



**FUNERAL SERVICE COMMISSION**  
(Continued)

Number of Complaints Pending	85	85
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	120	120
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	220	220

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Funeral Service Commission in Strategy A.1.1, Licensing Requirements, the amounts of \$33,500 in fiscal year 2010 and \$33,500 in fiscal year 2011, in Strategy B.1.1, Inspections, the amounts of \$15,900 in fiscal year 2010 and \$15,900 in fiscal year 2011, in Strategy B.2.1, Rule Compliance, the amounts of \$20,100 in fiscal year 2010 and \$20,100 in fiscal year 2011, in Strategy C.1.1, Indirect Administration – Licensing, the amounts of \$4,500 in fiscal year 2010 and \$4,500 in fiscal year 2011, in Strategy C.1.2 Indirect Administration – Inspections, the amounts of \$1,500 in fiscal year 2010 and \$1,500 in fiscal year 2011, and in Strategy C.1.3, Indirect Administration – Rule Compliance, the amounts of \$1,500 in fiscal year 2010 and \$1,500 in fiscal year 2011 in General Revenue are contingent upon the Funeral Service Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$197,998 in excess of \$2,734,000 (Object Code 3175), contained in the Comptroller of Public Accounts’ Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the “Number of Full-Time- Equivalents (FTE)” figure indicated above includes 1 FTE in each fiscal year contingent upon the Funeral Service Commission generating the amount of revenue indicated above. The Funeral Service Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Funeral Service Commission minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**BOARD OF PROFESSIONAL GEOSCIENTISTS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ <u>795,812</u>	\$ <u>653,953</u>
<b>Total, Method of Financing</b>	<u>\$ 795,812</u>	<u>\$ 653,953</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 152,809	\$ 155,514
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	11.0	11.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSING</b>		
Assure Geoscience is Practiced Only by Qualified/Registered Licensees.		
<b>A.1.1. Strategy: APPLICATION REVIEW</b>	\$ 226,565	\$ 146,366
Evaluate Applications and Ensure Proper Examination.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 30,000	\$ 30,000
TexasOnline. Estimated and Nontransferable.		
<b>A.1.3. Strategy: INFORMATIONAL SERVICES</b>	<u>\$ 220,181</u>	<u>\$ 197,986</u>
Maintain Current Registry and Provide Timely Information.		
<b>Total, Goal A: LICENSING</b>	<u>\$ 476,746</u>	<u>\$ 374,352</u>

**BOARD OF PROFESSIONAL GEOSCIENTISTS**  
(Continued)

**B. Goal: ENFORCEMENT**

Ensure Effective Enforcement of TX Geoscience Practice Act.

<b>B.1.1. Strategy: ENFORCEMENT</b>	\$ 269,554	\$ 242,519
Investigate & Reach Final Resolution of Reported Violations.		

**C. Goal: INDIRECT ADMINISTRATION**

<b>C.1.1. Strategy: INDIRECT ADMIN</b>	\$ 24,181	\$ 17,966
Indirect Administration - Licensing.		

<b>C.1.2. Strategy: INDIRECT ADMIN</b>	\$ 25,331	\$ 19,116
Indirect Administration - Enforcement.		

<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	<u>\$ 49,512</u>	<u>\$ 37,082</u>
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<b>Grand Total, BOARD OF PROFESSIONAL GEOSCIENTISTS</b>	<u>\$ 795,812</u>	<u>\$ 653,953</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 480,250	\$ 480,250
Other Personnel Costs	12,705	13,366
Professional Fees and Services	41,442	36,442
Consumable Supplies	9,260	4,260
Utilities	1,550	1,550
Travel	34,900	34,995
Rent - Building	1,200	1,200
Other Operating Expense	<u>214,505</u>	<u>81,890</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 795,812</u>	<u>\$ 653,953</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 16,771	\$ 17,022
Group Insurance	30,631	32,714
Social Security	19,739	20,035
Benefits Replacement	<u>341</u>	<u>324</u>

Subtotal, Employee Benefits	<u>\$ 67,482</u>	<u>\$ 70,095</u>
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Debt Service

Lease Payments	<u>\$ 4,866</u>	<u>\$ 3,076</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 72,348</u>	<u>\$ 73,171</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Professional Geoscientists. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Professional Geoscientists. In order to achieve the objectives and service standards established by this Act, the Board of Professional Geoscientists shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: LICENSING</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	90%	90%
Percent of Licensees Who Renew Online	85%	85%
<b>A.1.1. Strategy: APPLICATION REVIEW</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	125	125
<b>Efficiencies:</b>		
Percentage of New Individual Licenses Issued within 10 Days	100%	100%
Percentage of Individual License Renewals Issued within 7 Days	100%	100%
<b>Explanatory:</b>		
Total Number of Individuals Licensed	6,700	6,700

**BOARD OF PROFESSIONAL GEOSCIENTISTS**  
(Continued)

**B. Goal: ENFORCEMENT**

**Outcome (Results/Impact):**

Percent of Complaints Resulting in Disciplinary Action	25%	25%
Percent of Documented Complaints Resolved within Six Months	90%	90%

**B.1.1. Strategy: ENFORCEMENT**

**Output (Volume):**

Complaints Resolved	5	5
Number of Enforcement Cases and Inquiries Resolved	10	10
Number of Compliance Orders Issued	10	10
Number of Disciplinary Actions Taken	10	10

**Efficiencies:**

Average Time for Complaint Resolution (Days)	85	85
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**Explanatory:**

Jurisdictional Complaints Received	15	15
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2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Geoscientists in Strategy A.1.1, Application Review, the amounts of \$85,404 in fiscal year 2010 and \$10,000 in fiscal year 2011, in Strategy A.1.3, Informational Services, the amounts of \$133,545 in fiscal year 2010 and \$111,165 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$110,675 in fiscal year 2010 and \$86,295 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$6,251 in fiscal year 2010, in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$6,251 in fiscal year 2010 in General Revenue are contingent upon the Board of Professional Geoscientists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$650,152 in excess of \$2,043,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Board of Professional Geoscientists generating the amount of revenue indicated above. The Board of Professional Geoscientists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Geoscientists minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

In addition, contingent appropriations in Strategy A.1.3, Informational Services, in the amounts of \$75,499 in fiscal year 2010 and \$73,960 in fiscal year 2011 and 1.0 FTE each fiscal year may only be used for the current Executive Director's salary upon his return from active military duty.

**HEALTH PROFESSIONS COUNCIL**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Interagency Contracts	\$ 2,513,779	\$ 768,662
<b>Total, Method of Financing</b>	\$ 2,513,779	\$ 768,662
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	5.0	5.0
<b>Items of Appropriation:</b>		
<b>A. Goal: COORDINATION AND SUPPORT</b>		
<b>A.1.1. Strategy: AGENCY COORDINATION AND SUPPORT</b>	\$ 2,513,779	\$ 768,662
Member Agency Coordination and Support.		
<b>Grand Total, HEALTH PROFESSIONS COUNCIL</b>	\$ 2,513,779	\$ 768,662
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 339,968	\$ 339,968
Other Personnel Costs	3,700	3,700
Professional Fees and Services	10,650	10,650

**HEALTH PROFESSIONS COUNCIL**  
(Continued)

Consumable Supplies	2,000	2,000
Utilities	120	120
Travel	600	600
Other Operating Expense	52,765	52,765
Capital Expenditures	2,103,976	358,859

**Total, Object-of-Expense Informational Listing** \$ 2,513,779    \$ 768,662

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 5,999	\$ 6,089
Group Insurance	18,008	19,232
Social Security	6,780	6,882

Subtotal, Employee Benefits \$ 30,787    \$ 32,203

Debt Service

Lease Payments	\$ 6,754	\$ 4,269
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 37,541    \$ 36,472

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Health Professions Council. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Health Professions Council. In order to achieve the objectives and service standards established by this Act, the Health Professions Council shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: COORDINATION AND SUPPORT</b>		
<b>Outcome (Results/Impact):</b>		
Number of Events Attended by a HPC Staff Member on Behalf of HPC Member Agencies	12	12
Number of People Who Attend an HPC Sponsored Training Session	50	50

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. If a finding of fact is not issued by the Comptroller of Public Accounts to make available the contingent appropriation specified in Contingent Revenue riders elsewhere in this act for the Board of Pharmacy, the Board of Examiners of Psychologists, the Optometry Board, the Texas State Board of Dental Examiners, the Board of Plumbing Examiners, and the Board of Professional Land Surveying, this rider has no effect. Otherwise, the amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of government Code 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under

"Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Health Professions Council Shared Regulatory Database Migration	\$ 2,103,976	\$ 358,859
Total, Acquisition of Information Resource Technologies	\$ 2,103,976	\$ 358,859

**OFFICE OF INJURED EMPLOYEE COUNSEL**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036	\$ 7,769,542	\$ 7,769,542
<b>Total, Method of Financing</b>	<u>\$ 7,769,542</u>	<u>\$ 7,769,542</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 2,236,885	\$ 2,302,003
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	184.0	184.0
<b>Schedule of Exempt Positions:</b>		
Public Counsel, Group 3	\$115,500	\$115,500
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> OMBUDSMAN PROGRAM Assist Individual Injured Employees through the Ombudsman Program.		
<b>A.1.1. Strategy:</b> OMBUDSMAN PROGRAM Assist Unrepresented Injured Employees in Dispute Resolution.	\$ 4,321,494	\$ 4,321,494
<b>B. Goal:</b> EDUCATION AND REFERRAL Increase Injured Employee Education and Provide Referrals.		
<b>B.1.1. Strategy:</b> RIGHTS RESPONSIBILITIES & REFERRAL Assist Injured Employees & Provide Referrals to Programs & Services.	\$ 2,765,553	\$ 2,765,553
<b>C. Goal:</b> ADVOCATE FOR INJURED EMPLOYEES Advocate for Injured Employees in Rulemaking and Other Public Forums.		
<b>C.1.1. Strategy:</b> PARTICIPATE IN RULEMAKING	\$ 682,495	\$ 682,495
<b>Grand Total, OFFICE OF INJURED EMPLOYEE COUNSEL</b>	<u>\$ 7,769,542</u>	<u>\$ 7,769,542</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 6,728,316	\$ 6,728,316
Other Personnel Costs	245,420	245,420
Professional Fees and Services	62,705	62,705
Utilities	82,130	82,130
Travel	174,900	174,900
Other Operating Expense	<u>476,071</u>	<u>476,071</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 7,769,542</u>	<u>\$ 7,769,542</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 363,817	\$ 369,274
Group Insurance	796,114	850,250
Social Security	457,788	464,655
Benefits Replacement	<u>60,123</u>	<u>57,116</u>
Subtotal, Employee Benefits	<u>\$ 1,677,842</u>	<u>\$ 1,741,295</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 150,300</u>	<u>\$ 140,833</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 1,828,142</u>	<u>\$ 1,882,128</u>

**OFFICE OF INJURED EMPLOYEE COUNSEL**  
(Continued)

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of Injured Employee Counsel. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of Injured Employee Counsel. In order to achieve the objectives and service standards established by this Act, the Office of Injured Employee Counsel shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: OMBUDSMAN PROGRAM</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Texas Department of Insurance Administrative Dispute Resolution Proceedings in which an Ombudsman assisted an Unrepresented Injured Employee	41%	41%
Percentage of Issues Raised at Contested Case Hearings (CCH) where the Injured Employee Prevailed when Assisted by an Ombudsman	43%	43%
Percentage of Issues Raised on Appeal Where the Injured Employee Prevailed when Assisted by an Ombudsman	32%	32%
<b>A.1.1. Strategy: OMBUDSMAN PROGRAM</b>		
<b>Output (Volume):</b>		
Number of Benefit Review Conferences with Ombudsman Assistance	5,100	5,100
Number of Contested Case hearings with Ombudsman Assistance	2,100	2,100
Number of Injured Employees Prepared for an Appeal by an Ombudsman	550	550
<b>B. Goal: EDUCATION AND REFERRAL</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Injured Employees Reached About their Rights and Responsibilities in the Workers Compensation System	96%	96%
<b>B.1.1. Strategy: RIGHTS RESPONSIBILITIES &amp; REFERRAL</b>		
<b>Output (Volume):</b>		
Number of Injured Employees Reached About Their Rights and Responsibilities	212,000	212,000
<b>Efficiencies:</b>		
Average Number of Days from the Date of Injury to the Date an Injured Employee is Sent Their Rights and Responsibilities Packet About the Workers' Compensation System	28	28
<b>C. Goal: ADVOCATE FOR INJURED EMPLOYEES</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Adopted Worker's Compensation Rules Changed for the Benefit of Injured Employees as a Result of Office of Injured Employee Counsel Participation	78%	78%
<b>C.1.1. Strategy: PARTICIPATE IN RULEMAKING</b>		
<b>Output (Volume):</b>		
Number of Adopted Workers' Compensation Rules Analyzed by Office of Injured Employee Counsel	9	9
Number of Adopted Workers' Compensation Rules in which the Office of Injured Employee Counsel Participated	8	8

- 2. Unexpended Balance Authority.** Any unexpended balances as of August 31, 2010, not to exceed 5 percent for any item of appropriation, are hereby appropriated to the Office of Injured Employee Counsel for the same purposes for the fiscal year ending August 31, 2011.

## DEPARTMENT OF INSURANCE

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 230,926	\$ 230,926
Insurance Companies Maintenance Tax and Insurance Department Fees <sup>1,2</sup>	36,187,932	35,978,507
Subtotal, General Revenue Fund	\$ 36,418,858	\$ 36,209,433
<u>General Revenue Fund - Dedicated</u>		
Subsequent Injury Account No. 5101	4,420,140	4,420,140
Texas Department of Insurance Operating Fund Account No. 036 <sup>1</sup>	59,592,506	59,134,784
Subtotal, General Revenue Fund - Dedicated	\$ 64,012,646	\$ 63,554,924
Federal Funds	2,254,623	2,254,623
<u>Other Funds</u>		
Appropriated Receipts	689,116	689,116
Interagency Contracts	57,600	57,600
Healthy Texas Small Employer Premium Stabilization Fund <sup>2</sup>	17,404,000	17,425,000
Subtotal, Other Funds	\$ 18,150,716	\$ 18,171,716
<b>Total, Method of Financing</b>	<b>\$ 120,836,843</b>	<b>\$ 120,190,696</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 28,259,518	\$ 28,849,162
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>1, 2</sup></b>	1,695.5	1,695.5
<b>Schedule of Exempt Positions:</b>		
Commissioner of Insurance, Group 6	\$175,000	\$175,000
Commissioner of Workers' Compensation, Group 5	140,000	140,000
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> ENCOURAGE FAIR COMPETITION		
Encourage Fair Competition in the Insurance Industry.		
<b>A.1.1. Strategy:</b> CONSUMER ED. AND MKT. ANALYSES	\$ 3,472,710	\$ 3,412,672
Analyze Market Data and Provide Information.		

<sup>1</sup> Incorporates Article IX, § 17.75, of this Act, due to the enactment of HB 4341, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of discount health care programs by the Texas Department of Insurance, resulting in an increase in General Revenue-Dedicated Texas Department of Insurance Operating Account Fund 36 of \$97,153 in FY 2010 and \$43,062 in FY 2011, an increase in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees of \$44,875 in FY 2011, and an increase of 2.0 FTEs each fiscal year.

<sup>2</sup> Incorporates Article IX, § 17.77, of this Act, due to the enactment of SB 78, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Healthy Texas Program resulting in an increase in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees of \$96,000 in FY 2010 and \$75,000 in FY 2011, the creation of a new fund, the Healthy Texas Small Employers Premium Stabilization Fund No. 00329 and an appropriation from this fund of \$17,404,000 in FY 2010 and \$17,425,000 in FY 2011, and an increase of 0.5 FTEs each fiscal year.

**DEPARTMENT OF INSURANCE**  
(Continued)

<b>A.1.2. Strategy:</b> RATES, FORMS AND LICENSES <sup>3, 4</sup> Process Rates, Forms and Licenses.	\$ 28,294,247	\$ 28,309,833
<b>A.1.3. Strategy:</b> PROMOTE UNDERSERVED COVERAGE Create Incentives and Requirements for Coverage in Underserved Markets.	\$ 188,175	\$ 188,952
<b>A.2.1. Strategy:</b> RESOLVE COMPLAINTS Respond Promptly and Act on Complaints.	\$ 2,789,006	\$ 2,795,065
<b>A.2.2. Strategy:</b> INVESTIGATION AND ENFORCEMENT Investigate Trade Practices and Enforcement as Needed.	\$ 2,855,452	\$ 2,860,472
<b>A.2.3. Strategy:</b> INSURER FRAUD Investigate Potential Insurer Fraud and Initiate Legal Action.	\$ 1,400,440	\$ 1,401,400
<b>A.2.4. Strategy:</b> TEXASONLINE TexasOnline. Estimated and Nontransferable.	<u>\$ 380,000</u>	<u>\$ 380,000</u>
<b>Total, Goal A:</b> ENCOURAGE FAIR COMPETITION	<u>\$ 39,380,030</u>	<u>\$ 39,348,394</u>
<b>B. Goal:</b> INSURANCE INDUSTRY FINANCIAL HEALTH Encourage the Financial Health of the Insurance Industry.		
<b>B.1.1. Strategy:</b> INSURERS FINANCIAL CONDITION Analyze the Financial Condition of Insurers and Take Solvency Action.	\$ 12,920,329	\$ 12,941,869
<b>C. Goal:</b> DECREASE INDUSTRY LOSS COSTS Decrease Insurance Industry Loss Costs.		
<b>C.1.1. Strategy:</b> LOSS CONTROL PROGRAMS Inspect Loss Control Programs and Assure Code and Schedule Compliance.	\$ 2,635,629	\$ 2,640,848
<b>C.1.2. Strategy:</b> PROVIDER AND CONSUMER FRAUD Investigate Provider/Consumer Fraud & Refer Violations for Prosecution.	\$ 1,293,043	\$ 1,296,263
<b>C.1.3. Strategy:</b> WORKERS' COMPENSATION FRAUD Investigate Workers' Compensation Insurance Fraud.	<u>\$ 266,076</u>	<u>\$ 266,213</u>
<b>Total, Goal C:</b> DECREASE INDUSTRY LOSS COSTS	<u>\$ 4,194,748</u>	<u>\$ 4,203,324</u>
<b>D. Goal:</b> REDUCE LOSSES DUE TO FIRE Reduce Loss of Life and Property Due to Fire.		
<b>D.1.1. Strategy:</b> FIRE PROTECTION Provide Fire Prevention through Education & Enforcement of Regulations.	\$ 4,278,762	\$ 4,287,682
<b>E. Goal:</b> SAFE AND HEALTHY WORKPLACES To Promote Safe and Healthy Workplaces.		
<b>E.1.1. Strategy:</b> HEALTH AND SAFETY SERVICES Provide Health and Safety Services in Texas Workplaces.	\$ 4,047,215	\$ 4,042,728
<b>E.2.1. Strategy:</b> RETURN-TO-WORK EDUCATION Provide Education on Disability Management and Return-to-work Programs.	<u>\$ 130,591</u>	<u>\$ 130,672</u>
<b>Total, Goal E:</b> SAFE AND HEALTHY WORKPLACES	<u>\$ 4,177,806</u>	<u>\$ 4,173,400</u>

<sup>3</sup> Incorporates Article IX, § 17.75, of this Act, due to the enactment of HB 4341, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of discount health care programs by the Texas Department of Insurance, resulting in an increase in General Revenue-Dedicated Texas Department of Insurance Operating Account Fund 36 of \$97,153 in FY2010 and \$43,062 in FY2011, an increase in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees of \$44,875 in FY 2011, and an increase of 2.0 FTEs each fiscal year.

<sup>4</sup> Incorporates Article IX, § 17.77, of this Act, due to the enactment of SB 78, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Healthy Texas Program resulting in an increase in General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees of \$96,000 in FY 2010 and \$75,000 in FY 2011, the creation of a new fund, the Healthy Texas Small Employers Premium Stabilization Fund No. 00329 and an appropriation from this fund of \$17,404,000 in FY 2010 and \$17,425,000 in FY 2011, and an increase of 0.5 FTEs each fiscal year.



## DEPARTMENT OF INSURANCE

(Continued)

**F. Goal: WORKERS' COMP BENEFITS & DELIVERY**

Ensure the Appropriate Delivery of Workers' Compensation Benefits.

<b>F.1.1. Strategy:</b> MEDICAL COST CONTAINMENT Ensure Appropriate Utilization of Medical Services.	\$ 1,924,584	\$ 1,924,027
<b>F.2.1. Strategy:</b> MONITORING AND ENFORCEMENT Monitor Stakeholder Activity and Take Enforcement Action.	\$ 3,008,217	\$ 3,010,157
<b>F.3.1. Strategy:</b> DEVELOP AND IMPLEMENT PROCESSES	\$ 5,404,122	\$ 5,416,078
<b>F.4.1. Strategy:</b> CERTIFY SELF-INSURANCE Certify and Regulate Private Employers that Qualify to Self-Insure.	\$ 647,481	\$ 647,936
<b>F.5.1. Strategy:</b> DISPUTE RESOLUTION Minimize and Resolve Indemnity and Medical Disputes.	\$ 15,012,659	\$ 15,020,050
<b>F.6.1. Strategy:</b> SUBSEQUENT INJURY FUND ADMIN Subsequent Injury Fund Administration.	<u>\$ 4,514,826</u>	<u>\$ 4,497,469</u>
<b>Total, Goal F: WORKERS' COMP BENEFITS &amp; DELIVERY</b>	<u>\$ 30,511,889</u>	<u>\$ 30,515,717</u>

**G. Goal: INDIRECT ADMINISTRATION**

<b>G.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 10,023,250	\$ 10,008,362
<b>G.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 11,192,613	\$ 10,551,692
<b>G.1.3. Strategy:</b> OTHER SUPPORT SERVICES	<u>\$ 3,549,286</u>	<u>\$ 3,551,866</u>
<b>Total, Goal G: INDIRECT ADMINISTRATION</b>	<u>\$ 24,765,149</u>	<u>\$ 24,111,920</u>

**H. Goal: LONG TERM CARE**

<b>H.1.1. Strategy:</b> LONG TERM CARE Long Term Care Insurance Partnerships.	\$ 156,328	\$ 156,528
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**I. Goal: THREE-SHARE ASSISTANCE PROGRAMS**

Three-Share Premium Assistance Programs.

<b>I.1.1. Strategy:</b> THREE-SHARE ASSISTANCE PROGRAMS Three-Share Premium Assistance Programs.	\$ 451,802	\$ 451,862
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<b>Grand Total, DEPARTMENT OF INSURANCE</b>	<u>\$ 120,836,843</u>	<u>\$ 120,190,696</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 75,232,294	\$ 75,280,032
Other Personnel Costs	2,505,500	2,684,560
Professional Fees and Services	5,838,150	5,010,151
Fuels and Lubricants	117,460	117,460
Consumable Supplies	732,693	732,193
Utilities	946,795	946,795
Travel	2,404,203	2,404,203
Rent - Building	3,313,267	3,318,267
Rent - Machine and Other	474,675	474,675
Other Operating Expense	28,324,991	28,275,545
Grants	395,000	395,000
Capital Expenditures	<u>551,815</u>	<u>551,815</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 120,836,843</u>	<u>\$ 120,190,696</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 4,671,199	\$ 4,815,184
Group Insurance	13,025,949	14,350,284
Social Security	5,902,410	5,985,438
Benefits Replacement	<u>631,024</u>	<u>599,473</u>

Subtotal, Employee Benefits	<u>\$ 24,230,582</u>	<u>\$ 25,750,379</u>
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Debt Service

Lease Payments	<u>\$ 1,031,819</u>	<u>\$ 640,031</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 25,262,401</u>	<u>\$ 26,390,410</u>
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**DEPARTMENT OF INSURANCE**  
(Continued)

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Insurance. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Insurance. In order to achieve the objectives and service standards established by this Act, the Department of Insurance shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: ENCOURAGE FAIR COMPETITION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Agent License Filings Completed within 15 Days	96%	96%
Percent of Statutory Rate and Form Filings Completed within 90 Days	87%	87%
Number of Automobiles Covered by Auto Liability Policies as a Percent of Total Private Passenger Automobiles in Underserved Markets	78%	78%
Percent of Personal Auto and Residential Property Rate and Form Filings Completed within 60 Days	95%	95%
Percent of Licensees Who Renew Online	78%	84%
<b>A.1.1. Strategy: CONSUMER ED. AND MKT. ANALYSES</b>		
<b>Output (Volume):</b>		
Number of Inquiries Answered	650,000	650,000
Number of Rate Guides Distributed	1,200,000	1,200,000
<b>A.2.1. Strategy: RESOLVE COMPLAINTS</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	23,350	23,350
<b>Efficiencies:</b>		
Average Response Time (in Days) to Complaints	29	29
<b>A.2.3. Strategy: INSURER FRAUD</b>		
<b>Output (Volume):</b>		
Number of Referrals of Alleged Insurer Fraud to State and Federal Prosecutors	70	70
<b>B. Goal: INSURANCE INDUSTRY FINANCIAL HEALTH</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Statutorily Mandated Examinations Completed within 18 Months	88%	90%
Special Deputy Receiver Receivership Asset Recovery Expenses as a Percent of the Total Dollars Collected by Special Deputy Receivers	15%	15%
Average Number of Days from Company "At Risk" Identification to the Date of Solvency-related Regulatory Action	21	21
Percent of Companies Rehabilitated after Texas Department of Insurance Solvency-related Intervention	18%	18%
<b>B.1.1. Strategy: INSURERS FINANCIAL CONDITION</b>		
<b>Output (Volume):</b>		
Number of Entities Receiving Texas Department of Insurance Solvency-related Intervention	10	10
Number of On-site Examinations Conducted	145	145
<b>Efficiencies:</b>		
Average State Cost Per Examination	32,016	32,016
<b>Explanatory:</b>		
Dollar Amount (in Millions) of Insurance Company Insolvencies	50	50
Number of Estates Placed in Receivership	6	6
<b>C. Goal: DECREASE INDUSTRY LOSS COSTS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Commercial Property Inspections That Meet Filed Rating Schedule Requirements	85%	85%
<b>C.1.1. Strategy: LOSS CONTROL PROGRAMS</b>		
<b>Output (Volume):</b>		
Number of Windstorm Inspections Completed	11,500	11,500
Number of Inspections of Insurer Loss Control Programs Completed	200	200
Number of Commercial Property Oversight Inspections Completed	1,160	1,160
<b>Efficiencies:</b>		
Average Cost Per Windstorm Inspection	50	50
<b>C.1.2. Strategy: PROVIDER AND CONSUMER FRAUD</b>		
<b>Output (Volume):</b>		
Number of Referrals of Alleged Consumer and Provider Fraud to State or Federal Prosecutors	110	110

**DEPARTMENT OF INSURANCE**  
(Continued)

**D. Goal: REDUCE LOSSES DUE TO FIRE**

**Outcome (Results/Impact):**

Percent of State Fire Marshal's Office Criminal Referrals Resulting in Enforcement/Legal Action	60%	60%
Percent of Registrations, Licenses, and Permits Issued, after Receipt of a Completed Application, within 20 Days to Fire Alarm, Fire Extinguisher, Fire Sprinkler, and Fireworks Firms, Individuals, and Other Regulated Entities	99%	99%

**D.1.1. Strategy: FIRE PROTECTION**

**Output (Volume):**

Number of Fire Investigations Completed	507	507
Number of Registrations, Licenses, and Permits Issued to Fire Alarm, Fire Extinguisher, Fire Sprinkler and Fireworks Firms, Individuals, and Other Regulated Entities	11,700	11,700

**E. Goal: SAFE AND HEALTHY WORKPLACES**

**Outcome (Results/Impact):**

Percent of Employees Temporary Income Benefits (TIBs) Recipients Returning to Work Within 90 Days of Injury	54	54
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**E.1.1. Strategy: HEALTH AND SAFETY SERVICES**

**Output (Volume):**

Number of Consultations and Inspections Provided to Employers	3,058	3,058
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**E.2.1. Strategy: RETURN-TO-WORK EDUCATION**

**Output (Volume):**

Number of Persons Receiving Return-to-work Training	11,000	11,000
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**F. Goal: WORKERS' COMP BENEFITS & DELIVERY**

**Outcome (Results/Impact):**

Percentage of Medical Bills Processed Timely	95%	95%
Dollar Amount Returned to Workers' Compensation System Participants through Complaint Resolution	1,100,000	1,100,000
Percentage of Medical Fee Disputes Resolved by Medical Fee Dispute Resolution Decision	90%	90%
Total Payments Made out of the Subsequent Injury Fund for Lifetime Income Benefits and Reimbursements to Insurance Carriers	3,960,000	4,285,000

**F.1.1. Strategy: MEDICAL COST CONTAINMENT**

**Output (Volume):**

Number of Quality of Care Reviews of Health Care Providers, Insurance Carriers, and Independent Review Organizations Completed	102	102
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**Efficiencies:**

Average Number of Days to Complete Quality of Care Reviews of Health Care Providers, Insurance Carriers, and Independent Review Organizations	180	180
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**F.2.1. Strategy: MONITORING AND ENFORCEMENT**

**Output (Volume):**

Number of Complaints Completed Involving Workers' Compensation System Participants	2,756	2,756
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**Efficiencies:**

Average Days to Complete a Complaint Involving Workers' Compensation System Participants	120	120
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**F.5.1. Strategy: DISPUTE RESOLUTION**

**Efficiencies:**

Average Number of Days from the Request for Benefit Review Conference to the Conclusion of the Benefit Review Conference	67	67
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Average Number of Days from the Request for a Contested Case Hearing (CCH) to the Conclusion of the CCH	84	83
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**F.6.1. Strategy: SUBSEQUENT INJURY FUND ADMIN**

**Output (Volume):**

Number of Injured Workers Receiving Lifetime Income Benefit (LIB) Payments through the SIF	39	41
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2. **Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board,

**DEPARTMENT OF INSURANCE**  
(Continued)

capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	\$ 4,497,296	\$ 3,779,797
(2) Purchase of Information Resource Technologies - Scheduled Replacement of Items	680,604	680,604
(3) Replace DWC Obsolete Infrastructure Technology	\$ 238,211	\$ 238,211
Total, Acquisition of Information Resource Technologies	\$ 5,416,111	\$ 4,698,612
b. Transportation Items		
(1) Purchase of Transportation Items	\$ 198,000	\$ 198,000
Total, Capital Budget	\$ 5,614,111	\$ 4,896,612
Method of Financing (Capital Budget):		
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	\$ 2,107,839	\$ 1,841,166
GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036	3,506,272	3,055,446
Total, Method of Financing	\$ 5,614,111	\$ 4,896,612

3. **Appropriation Source, Rehabilitation of Insurance Companies.** Of the amounts appropriated above, \$125,000 each year of the biennium is from fees that the Department of Insurance shall collect from companies that are successfully rehabilitated by the department. Fees collected and appropriated above shall be in amounts sufficient to cover, yet not exceed, costs of rehabilitating those companies. Any such fees collected in excess of \$125,000 each year of the biennium are also hereby appropriated for the biennium beginning September 1, 2009, for the sole purpose of the rehabilitation of other insurance companies pursuant to 441.203 of the Texas Insurance Code (estimated to be \$0).
4. **State Support for NAIC Activities.** The agency is prohibited from using resources in support of the National Association of Insurance Commissioners in the absence of NAIC accreditation of the Department of Insurance for compliance with NAIC Financial Regulation Standards. The prohibition would be effective immediately upon loss of accreditation. The only exceptions to this prohibition shall be limited to expenditures necessary for (1) continued departmental use of the NAIC database for monitoring financial solvency of companies doing business in Texas; (2) solvency-related training; and (3) efforts to regain accreditation. The prohibition on using resources does not apply in the event that the Commissioner voluntarily determines not to participate in the state insurance department accreditation program.
5. **Liquidation Oversight and Title Examiner Full-Time-Equivalent Positions.** In addition to the "Number of Full-Time-Equivalents (FTE)" positions authorized above, an additional 32.5 FTE positions are authorized for each year of the 2010-11 biennium to support liquidation oversight and title examiner activities. These positions are excluded from the FTE cap.
6. **Appropriations Limited to Revenue Collections.** The application of special provisions limiting appropriations to revenue collections elsewhere in this Article shall be consistent with relevant statutory provisions governing the agency's assessment of tax rates and fees. As provided by the Texas Insurance Code and the Texas Labor Code, the Commissioners shall take into account unexpended funds in the preceding year when adjusting rates of assessment necessary to pay all expenses of regulating insurance and conducting the operations of the State Fire Marshal and the Office of Injured Employee Counsel during the succeeding year.
7. **Travel Cap.** Out of the funds appropriated above, expenditures for out-of-state travel by the Department of Insurance are limited to \$651,697 in fiscal year 2010 and \$651,697 in fiscal year 2011. Of these amounts, \$483,000 in fiscal year 2010 and \$483,000 in fiscal year 2011 shall be

**DEPARTMENT OF INSURANCE**  
(Continued)

utilized solely for out-of-state travel for the purpose of financial examinations. Notwithstanding any other provisions in this act, travel expenditures associated with federal programs and paid out of federal funds are exempt from this limitation.

- 8. Limit on Estimated Appropriations.** Excluding appropriations for the TexasOnline Authority, the combined appropriation authority from the General Revenue Fund, which includes Insurance Companies Maintenance Tax (Object Code 3203) and Insurance Department Fees (Object Code 3215), and General Revenue Fund-Dedicated-Texas Department of Insurance Operating Fund Account No. Fund 36 shall not exceed \$95,213,805 in fiscal year 2010 or \$94,576,874 in fiscal year 2011.
- 9. State Support for NCOIL Activities.** Funds appropriated above include funds from the General Revenue - Insurance Companies Maintenance Tax, Insurance Department Fees and General Revenue Fund-Dedicated for payment of state dues for the National Conference of Insurance Legislators.
- 10. Crash Records Information System.** Included in Strategy D.2.1, Traffic Safety, at the Department of Transportation is \$750,000 for fiscal year 2010 and \$750,000 for fiscal year 2011 from General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees for on-going maintenance of the Crash Records Information System.
- 11. Increase Consumer Choice.** Out of amounts appropriated above, the Department of Insurance shall contract with the Office of Public Insurance Counsel in the amount of \$48,000 each fiscal year from the GR Dedicated-Texas Department of Insurance Operating Fund Account No. 036 to provide consumers with insurance information to make informed decisions.
- 12. Consumer Information Report.** The Department of Insurance shall submit a report quarterly to the Legislature and the public no later than the 90th day after the last day of the quarter covered by the report the following information for each insurer that writes a line of insurance in the state: market share, profits and losses, average rate, and average loss ratio. The report shall include the change in rate over the previous 12, 24, and 36 months.
- 13. Appropriation of Unexpended Balances.** Any unexpended balances as of August 31, 2010, not to exceed 5 percent for any item of appropriation above, are hereby appropriated for the same purposes, in the same strategies, for the fiscal year beginning September 1, 2010.
- 14. Subsequent Injury Fund.** Amounts appropriated above in Strategy F.6.1, Subsequent Injury Fund Administration, include an estimated \$4,420,140 in fiscal year 2010 and \$ 4,420,140 in fiscal year 2011 out of the GR Dedicated - Subsequent Injury Account No. 5101 for payment of liabilities pursuant to Labor Code, Chapter 403. In the event that actual liabilities exceed the estimated amounts, the Division of Workers' Compensation shall furnish information supporting the estimated additional liabilities to the Comptroller of Public Accounts. If the Comptroller finds that there are sufficient balances in the GR Dedicated - Subsequent Injury Account No. 5101 to support the payment of projected liabilities, a finding of fact to that effect shall be issued and a contingent appropriation shall be made available for the intended purposes.
- 15. Three-Share Premium Assistance Programs.** Amounts appropriated above to the Department of Insurance of \$450,000 in fiscal year 2010 and \$450,000 in fiscal year 2011 in General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees in Strategy I.1.1, Three-Share Assistance Programs, and 1.0 Full-Time-Equivalents (FTE) position each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" is for the purpose of awarding, through a competitive application process, grants to local government entities for the research, planning, development, and continuation of "three-share" premium assistance programs to increase access to private healthcare coverage for the uninsured, and providing technical assistance to grant recipients. The agency shall consider the following factors in selecting recipients of grant funds:
  - a. proposals to match grant awards with local funds
  - b. percentage of uninsured in the applicable area
  - c. existing efforts in pursuing "three-share" premium assistance programs
  - d. healthcare use and delivery factors affecting the area's healthcare infrastructure and capacity.

The agency shall report a summary of the grants awarded to local government entities to the Legislative Budget Board and the Governor no later than January 1, 2011.

## DEPARTMENT OF INSURANCE

(Continued)

- 16. Division of Workers' Compensation Reporting Requirement.** The Division of Workers' Compensation shall include information collected about on-the-job injuries and occupational diseases, compliance with notice requirements regarding whether employers carry workers' compensation insurance from non-subscribing employers and administrative penalties levied against non-complying employers under the provisions of the Labor Code § 411.032 and Texas Administrative Code, Title 28, Insurance §§ 110.1, 110.101, and 160.2 in its biennial report submitted to the Legislature.
- 17. Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Texas Department of Insurance are made contingent on the continuation of the Texas Department of Insurance by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.
- 18. Health Insurance Premiums.**
- a. It is the intent of the Legislature that, out of funds appropriated under Strategy A.1.1, Consumer Education and Marketing Analyses, the Texas Department of Insurance conduct reviews of the accessibility of health benefit plan coverage for and the affordability of health benefit plan premiums for:
    - (1) families with annual household incomes that are less than 200% of the federal poverty level for the applicable household size;
    - (2) families with annual household incomes that are \$100,000 or less and the members of which are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer of a member of the family; and
    - (3) individuals with annual incomes that are \$55,000 or less and who are not eligible for coverage under a health benefit plan issued by, paid for, or sponsored by an employer.
  - b. The department shall include the results of those reviews in the biennial report submitted under Section 32.022, Insurance Code, to the appropriate committees of each house of the Legislature immediately preceding the 82<sup>nd</sup> Regular Legislative Session.
- 19. Study of Data Mining.** It is the intent of the Legislature that, out of funds appropriated under Strategy A.1.1, Consumer Education and Market Analyses, the Texas Department of Insurance, using data collected under Chapters 38 and 2151, Insurance Code:
- a. conduct a review of insurance industry practices regarding:
    - 1) the use of data mining and pattern recognition practices and technologies that are used to predict difference in expected losses of covered persons or applicants for personal automobile or residential property insurance coverage or health benefit plan coverage; and
    - 2) the manner in which insurers use these technologies in underwriting and setting rates for personal automobile or residential property insurance or health benefit plans; and
  - b. include that review in the biennial report submitted under Section 32.033, Insurance Code, to the appropriate committees of each house of the Legislature on or before December 31, 2010.
- 20. Coverage Reductions.** Out of funds appropriated above to the Department of Insurance, the department shall conduct a review of levels of coverage to determine what, if any, changes have occurred in the level of protection offered by homeowners insurance policies since the department's adoption of approved national forms in 2002. The department shall prepare a report for the 82<sup>nd</sup> Legislature quantifying effect of the change to national forms on the level of coverage for the average homeowner in this state.

## OFFICE OF PUBLIC INSURANCE COUNSEL

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,073,777	\$ 1,073,777
Interagency Contracts	48,000	48,000
<b>Total, Method of Financing</b>	\$ 1,121,777	\$ 1,121,777
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 301,227	\$ 298,441
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	16.5	16.5
<b>Schedule of Exempt Positions:</b>		
Public Counsel, Group 4	\$106,500	\$106,500
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> ADVOCATE FOR INSURANCE CONSUMERS Advocate for TX Consumers in Rate/Rule/Judicial/Legislative Hearings.		
<b>A.1.1. Strategy:</b> PARTICIPATE IN RATE/RULE HEARINGS Participate in Rate, Rulemaking, Judicial, and Legislative Proceedings.	\$ 1,034,100	\$ 1,034,100
<b>B. Goal:</b> INCREASE CONSUMER CHOICE Increase Consumer Choice-Educate Texas Insurance Consumers.		
<b>B.1.1. Strategy:</b> INSURANCE INFORMATION Provide Consumers with Information to Make Informed Choices.	\$ 87,677	\$ 87,677
<b>Grand Total, OFFICE OF PUBLIC INSURANCE COUNSEL</b>	\$ 1,121,777	\$ 1,121,777
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 874,319	\$ 874,319
Other Personnel Costs	39,733	39,733
Professional Fees and Services	81,463	81,463
Consumable Supplies	16,441	16,441
Utilities	2,238	2,238
Travel	9,500	9,500
Rent - Building	291	291
Rent - Machine and Other	8,169	8,169
Other Operating Expense	89,623	89,623
<b>Total, Object-of-Expense Informational Listing</b>	\$ 1,121,777	\$ 1,121,777
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 52,818	\$ 53,610
Group Insurance	83,868	89,571
Social Security	66,950	67,954
Benefits Replacement	5,560	5,282
Subtotal, Employee Benefits	\$ 209,196	\$ 216,417
<u>Debt Service</u>		
Lease Payments	\$ 27,326	\$ 17,270
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 236,522	\$ 233,687

**OFFICE OF PUBLIC INSURANCE COUNSEL**  
(Continued)

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of Public Insurance Counsel. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of Public Insurance Counsel. In order to achieve the objectives and service standards established by this Act, the Office of Public Insurance Counsel shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ADVOCATE FOR INSURANCE CONSUMERS</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Analyzed Rate and Rulemaking Proceedings in Which OPIC Participated	75%	75%
Percentage of Rate Filings and Rules Changed for the Benefit of Consumers as a Result of OPIC Participation	90%	90%
<b>A.1.1. Strategy: PARTICIPATE IN RATE/RULE HEARINGS</b>		
<b>Output (Volume):</b>		
Number of Rate Hearings in Which OPIC Participated	5	5
Number of Analyzed Rate Filings in Which OPIC Participated	32	32
Number of Rulemaking Proceedings in Which OPIC Participated	40	40
<b>B. Goal: INCREASE CONSUMER CHOICE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Texas Insurance Consumers Reached by OPIC Outreach Efforts	26%	26%
<b>B.1.1. Strategy: INSURANCE INFORMATION</b>		
<b>Output (Volume):</b>		
Number of Report Cards and Publications Produced and Distributed	850,000	850,000
Total Number of Public Presentations or Communications by OPIC	48	48

- 2. Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Office of Public Insurance Counsel are made contingent on the continuation of the Office of Public Insurance Counsel by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.

**BOARD OF PROFESSIONAL LAND SURVEYING**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 486,493	\$ 442,124
<b>Total, Method of Financing</b>	<b>\$ 486,493</b>	<b>\$ 442,124</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 75,657	\$ 78,455
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	5.0	5.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSING &amp; ENFORCEMENT</b>		
Ensure Surveys Prepared by Qualified Licensees Meet/Exceed Standards.		



**BOARD OF PROFESSIONAL LAND SURVEYING**  
(Continued)

<b>A.1.1. Strategy:</b> LICENSING AND EDUCATION Examine New Applicants & Ensure Continuing Education Requirements.	\$	361,416	\$	317,047
<b>A.1.2. Strategy:</b> INDIRECT ADMIN-LICENSING/EDUCATION Indirect Administration - Licensing and Education.	\$	94,927	\$	94,927
<b>A.1.3. Strategy:</b> EXAMINATION Purchase and Grade the National Exam. Estimated and Nontransferable.	\$	12,150	\$	12,150
<b>A.1.4. Strategy:</b> TEXASONLINE TexasOnline. Estimated and Nontransferable.	\$	18,000	\$	18,000
<b>Total, Goal A:</b> LICENSING & ENFORCEMENT	\$	486,493	\$	442,124
<b>Grand Total, BOARD OF PROFESSIONAL LAND SURVEYING</b>	\$	486,493	\$	442,124
<b>Object-of-Expense Informational Listing:</b>				
Salaries and Wages	\$	252,274	\$	260,219
Other Personnel Costs		10,000		10,000
Professional Fees and Services		102,509		50,194
Consumable Supplies		4,000		4,000
Utilities		2,500		2,500
Travel		45,661		45,661
Rent - Machine and Other		4,000		4,000
Other Operating Expense		65,549		65,550
<b>Total, Object-of-Expense Informational Listing</b>	\$	486,493	\$	442,124
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>				
<u>Employee Benefits</u>				
Retirement	\$	6,112	\$	6,204
Group Insurance		30,448		32,790
Social Security		18,043		18,314
Benefits Replacement		1,798		1,708
Subtotal, Employee Benefits	\$	56,401	\$	59,016
<u>Debt Service</u>				
Lease Payments	\$	13,229	\$	13,209
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$	69,630	\$	72,225

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Professional Land Surveying. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Professional Land Surveying. In order to achieve the objectives and service standards established by this Act, the Board of Professional Land Surveying shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010			2011
<b>A. Goal:</b> LICENSING & ENFORCEMENT				
<b>Outcome (Results/Impact):</b>				
Percent of Licensees with No Recent Violations	99%			99%
Percent of Documented Complaints Resolved within Six Months	95%			95%
Percent of Licensees Who Renew Online	50%			50%
<b>A.1.1. Strategy:</b> LICENSING AND EDUCATION				
<b>Output (Volume):</b>				
Number of New Licenses Issued to Individuals	70			70
Number of Licenses Renewed (Individuals)	2,986			2,986
Complaints Resolved	57			57

**BOARD OF PROFESSIONAL LAND SURVEYING**  
(Continued)

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Professional Land Surveying in Strategy A.1.1, Licensing and Education, the amounts of \$65,014 in fiscal year 2010 and \$20,644 in fiscal year 2011 in General Revenue are contingent upon the Board of Professional Land Surveying assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$98,889 in excess of \$1,298,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Professional Land Surveying, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Professional Land Survey's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**DEPARTMENT OF LICENSING AND REGULATION**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1, 2, 3, 4, 5</sup>	\$ 23,642,216	\$ 23,636,403
 <u>General Revenue Fund - Dedicated</u>		
GR Dedicated - Operators and Chauffeurs License Account No. 099 <sup>6</sup>	0	106,040
Private Beauty Culture School Tuition Protection Account No. 108	20,000	20,000
Barber School Tuition Protection Account No. 5081	5,000	5,000
Subtotal, General Revenue Fund - Dedicated	\$ 25,000	\$ 131,040
 <u>Other Funds</u>		
Appropriated Receipts	495,000	495,000
Interagency Contracts	18,634	18,634

<sup>1</sup> Incorporates Article IX, § 17.30, of this Act, due to the enactment of HB 3097, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles and to the licensing and regulation of used automotive parts recyclers, providing penalties, resulting in an increase in General Revenue Funds of \$193,380 and 4.0 FTEs in FY 2010 and \$166,780 and 4.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>2</sup> Incorporates Article IX, § 17.56, of this Act, due to the enactment of HB 2310, 81<sup>st</sup> Legislature, Regular Session, relating to the powers and duties of the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$763,097 and 13.0 FTEs in FY 2010 and \$684,897 and 13.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>3</sup> Incorporates Article IX, § 17.59, of this Act, due to the enactment of HB 2447, 81<sup>st</sup> Legislature, Regular Session, relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$192,763 and 3.7 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Board of Tax Professional Examiners will be transferred to the Department of Licensing and Regulation by March 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>4</sup> Incorporates Article IX, § 17.60, of this Act, due to the enactment of HB 2571, 81<sup>st</sup> Legislature, Regular Session, relating to the licensing and regulation of towing companies and vehicle storage facilities, resulting in an increase in General Revenue Funds of \$100,000 in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>5</sup> Incorporates Article IX, § 17.118, of this Act, due to the enactment of SB 2153, 81<sup>st</sup> Legislature, Regular Session, relating to the booting of vehicles by private entities in parking facilities, resulting in an increase in General Revenue Funds of \$265,490 and 5.0 FTEs in FY 2010 and \$224,990 and 5.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>6</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 Funds of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Department of Licensing and Regulation by January 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

**DEPARTMENT OF LICENSING AND REGULATION**  
(Continued)

Auctioneer Education and Recovery Trust Fund No. 898	25,000	25,000
Subtotal, Other Funds	<u>\$ 538,634</u>	<u>\$ 538,634</u>
<b>Total, Method of Financing</b>	<u>\$ 24,205,850</u>	<u>\$ 24,306,077</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 6,043,072	\$ 6,278,583
 <b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b> <sup>7, 8, 9, 10, 11</sup>	407.5	413.2
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$135,000	\$135,000
 <b>Items of Appropriation:</b>		
<b>A. Goal: LICENSING</b>		
License, Certify, and Register Qualified Individuals and Businesses.		
<b>A.1.1. Strategy: LICENSE, REGISTER AND CERTIFY</b> <sup>9, 10</sup> Issue Licenses, Registrations, & Certificates to Qualified Individuals.	\$ 1,889,628	\$ 2,055,964
<b>A.1.2. Strategy: LICENSE BUSINESSES AND FACILITIES</b> <sup>7, 11</sup>	\$ 797,248	\$ 797,248
<b>A.1.3. Strategy: EXAMINATIONS</b> <sup>9</sup> Administer Exams to Applicants.	\$ 355,130	\$ 422,597
<b>A.1.4. Strategy: CONTINUING EDUCATION/CUSTOMER SERV</b> <sup>11</sup> Develop Continuing Education and Provide Customer Service.	\$ 2,245,745	\$ 2,245,745
<b>A.1.5. Strategy: TEXASONLINE</b> TexasOnline. Estimated and Nontransferable.	<u>\$ 331,200</u>	<u>\$ 331,200</u>
<b>Total, Goal A: LICENSING</b>	<u>\$ 5,618,951</u>	<u>\$ 5,852,754</u>

<sup>7</sup> Incorporates Article IX, § 17.30, of this Act, due to the enactment of HB 3097, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles and to the licensing and regulation of used automotive parts recyclers, providing penalties, resulting in an increase in General Revenue Funds of \$193,380 and 4.0 FTEs in FY 2010 and \$166,780 and 4.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>8</sup> Incorporates Article IX, § 17.56, of this Act, due to the enactment of HB 2310, 81<sup>st</sup> Legislature, Regular Session, relating to the powers and duties of the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$763,097 and 13.0 FTEs in FY 2010 and \$684,897 and 13.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>9</sup> Incorporates Article IX, § 17.59, of this Act, due to the enactment of HB 2447, 81<sup>st</sup> Legislature, Regular Session, relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$192,763 and 3.7 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Board of Tax Professional Examiners will be transferred to the Department of Licensing and Regulation by March 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>10</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 Funds of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Department of Licensing and Regulation by January 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>11</sup> Incorporates Article IX, § 17.118, of this Act, due to the enactment of SB 2153, 81<sup>st</sup> Legislature, Regular Session, relating to the booting of vehicles by private entities in parking facilities, resulting in an increase in General Revenue funds of \$265,490 and 5.0 FTEs in FY 2010 and \$224,990 and 5.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

**DEPARTMENT OF LICENSING AND REGULATION**  
(Continued)

**B. Goal: ENFORCEMENT**

Protect the Public by Enforcing Laws Administered by the Agency.

<b>B.1.1. Strategy:</b> CONDUCT INSPECTIONS <sup>12, 13, 14</sup> Enforce Laws by Conducting Routine, Complex, and Special Inspections.	\$ 6,123,469	\$ 6,172,375
<b>B.1.2. Strategy:</b> BUILDING PLAN REVIEWS Perform Building Plan Reviews.	\$ 1,108,897	\$ 1,108,897
<b>B.1.3. Strategy:</b> RESOLVE COMPLAINTS <sup>15</sup> Enforce Compliance by Settlement, Prosecution, Penalty and Sanction.	\$ 2,929,602	\$ 2,929,602
<b>B.1.4. Strategy:</b> INVESTIGATION <sup>12, 15, 16</sup> Investigate Complaints.	<u>\$ 3,587,396</u>	<u>\$ 3,468,696</u>
<b>Total, Goal B: ENFORCEMENT</b>	<u>\$ 13,749,364</u>	<u>\$ 13,679,570</u>

**C. Goal: INDIRECT ADMINISTRATION**

<b>C.1.1. Strategy:</b> CENTRAL ADMINISTRATION	\$ 2,628,829	\$ 2,628,829
<b>C.1.2. Strategy:</b> INFORMATION RESOURCES	\$ 1,782,675	\$ 1,718,893
<b>C.1.3. Strategy:</b> OTHER SUPPORT SERVICES	<u>\$ 426,031</u>	<u>\$ 426,031</u>
<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	<u>\$ 4,837,535</u>	<u>\$ 4,773,753</u>

<b>Grand Total, DEPARTMENT OF LICENSING AND REGULATION</b>	<u>\$ 24,205,850</u>	<u>\$ 24,306,077</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 18,135,185	\$ 18,325,311
Other Personnel Costs	346,657	346,657
Professional Fees and Services	423,093	459,821
Fuels and Lubricants	5,000	5,000
Consumable Supplies	132,825	132,825
Utilities	100,000	100,000
Travel	1,008,500	1,011,500
Rent - Building	730,232	730,232
Rent - Machine and Other	41,080	41,080
Other Operating Expense	3,224,078	3,153,651
Capital Expenditures	<u>59,200</u>	<u>0</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 24,205,850</u>	<u>\$ 24,306,077</u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

<sup>12</sup> Incorporates Article IX, § 17.30, of this Act, due to the enactment of HB 3097, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Department of Motor Vehicles and to the licensing and regulation of used automotive parts recyclers, providing penalties, resulting in an increase in General Revenue Funds of \$193,380 and 4.0 FTEs in FY 2010 and \$166,780 and 4.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>13</sup> Incorporates Article IX, § 17.60, of this Act, due to the enactment of HB 2571, 81<sup>st</sup> Legislature, Regular Session, relating to the licensing and regulation of towing companies and vehicle storage facilities, resulting in an increase in General Revenue Funds of \$100,000 in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>14</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 Funds of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Department of Licensing and Regulation by January 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>15</sup> Incorporates Article IX, § 17.118, of this Act, due to the enactment of SB 2153, 81<sup>st</sup> Legislature, Regular Session, relating to the booting of vehicles by private entities in parking facilities, resulting in an increase in General Revenue Funds of \$265,490 and 5.0 FTEs in FY 2010 and \$224,990 and 5.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

<sup>16</sup> Incorporates Article IX, § 17.56, of this Act, due to the enactment of HB 2310, 81<sup>st</sup> Legislature, Regular Session, relating to the powers and duties of the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$763,097 and 13.0 FTEs in FY 2010 and \$684,897 and 13.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

**DEPARTMENT OF LICENSING AND REGULATION**  
(Continued)

<u>Employee Benefits</u>		
Retirement	\$ 891,844	\$ 924,606
Group Insurance	2,185,801	2,401,650
Social Security	1,152,785	1,180,152
Benefits Replacement	<u>78,612</u>	<u>75,561</u>
Subtotal, Employee Benefits	<u>\$ 4,309,042</u>	<u>\$ 4,581,969</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 88,458</u>	<u>\$ 60,532</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b><u>\$ 4,397,500</u></b>	<b><u>\$ 4,642,501</u></b>

1. **Performance Measure Targets.**<sup>17, 18</sup> The following is a listing of the key performance target levels for the Department of Licensing and Regulation. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Licensing and Regulation. In order to achieve the objectives and service standards established by this Act, the Department of Licensing and Regulation shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSING</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	98%	98%
Percent of Licensees Who Renew Online	78%	79%
Percent of New Individual Licenses Issued Online	64%	65%
Number of Approved Courses Offered: Tax Professionals	160	160
Percent of Complaints Resulting in Disciplinary Action: Tax Professionals	13%	13%
<b>A.1.1. Strategy: LICENSE, REGISTER AND CERTIFY</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	107,687	100,285
Number of Licenses Renewed (Individuals)	176,492	191,044
Number of Persons Certified/Recertified: Tax Professionals	450	450
Number of Course, Sponsor, and Instructor Applications Processed: Tax Professionals	20	20
<b>Efficiencies:</b>		
Average Licensing Cost Per Individual License Issued: Tax Pros	38.65	38.65
<b>Explanatory:</b>		
Total Number of Individuals Licensed	430,531	435,531
<b>A.1.2. Strategy: LICENSE BUSINESSES AND FACILITIES</b>		
<b>Explanatory:</b>		
Total Number of Business Facilities Licensed	256,868	266,958
<b>B. Goal: ENFORCEMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Documented Complaints Resolved within Six Months	70%	71%
Percent of Architectural Barrier Building Plan Reviews Completed within Thirty Days	98%	98%

<sup>17</sup> Incorporates Article IX, § 17.59, of this Act, due to the enactment of HB 2447, 81<sup>st</sup> Legislature, Regular Session, relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$192,763 and 3.7 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Board of Tax Professional Examiners will be transferred to the Department of Licensing and Regulation by March 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>18</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 Funds of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Department of Licensing and Regulation by January 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

**DEPARTMENT OF LICENSING AND REGULATION**  
(Continued)

Inspection Coverage Rate	98%	98%
Percentage of Boilers Inspected for Certification within Appropriate Timelines	71%	73%
<b>B.1.1. Strategy: CONDUCT INSPECTIONS</b>		
<b>Output (Volume):</b>		
Total Number of Architectural Barrier Inspections Completed by Agency and Third Party Inspectors	20,920	20,670
Number of Examination Sessions Conducted: Polygraph	8	8
<b>Efficiencies:</b>		
Average Number of Months to Complete Architectural Barrier Inspections by Agency Staff	3	3
<b>Explanatory:</b>		
Total Number of Inspections Completed	142,634	143,599
<b>B.1.3. Strategy: RESOLVE COMPLAINTS</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	9,622	9,784
<b>Efficiencies:</b>		
Average Time for Consumer Complaint Resolution (Days)	143	140
<b>B.1.4. Strategy: INVESTIGATION</b>		
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	12,820	12,980

2. **Capital Budget.** None of the funds appropriated may be expended for capital budget items except as listed below. If a finding of fact is not issued by the Comptroller of Public Accounts to make the contingent appropriation specified in Rider 14, Contingent Revenue, the capital budget expenditure and transfer authority provided to the Department of Licensing and Regulation by Article IX, Section 14.03, Limitation on Expenditures - Capital Budget, of this act, only applies to \$236,602 in fiscal year 2010 and \$236,602 in 2011 for capital projects included in items (1) and (2) under Acquisition of Information Resource Technologies. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	<u>2010</u>	<u>2011</u>
a. Acquisition of Information Resource Technologies		
(1) Acquisition of Information Resource Technologies - Scheduled Replacement	\$ 74,270	\$ 74,270
(2) Data Center Consolidation	330,635	266,853
 Total, Acquisition of Information Resource Technologies	 \$ <u>404,905</u>	 \$ <u>341,123</u>
b. Transportation Items		
(1) Rider 14 Contingency - Scheduled Replacement of 2 Vehicles	<u>59,200</u>	<u>0</u>
 Total, Capital Budget	 \$ <u>464,105</u>	 \$ <u>341,123</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 464,105	\$ 341,123
 Total, Method of Financing	 \$ <u>464,105</u>	 \$ <u>341,123</u>

3. **Appropriation: Travel Expenses and Fee Reimbursements.** Funds appropriated above include reimbursements for travel expenses and special inspection fees collected pursuant to Health and Safety Code § 755.030, Boilers Fees. Contingent upon certification by the Department of Licensing and Regulation and verification by the Comptroller, all fees collected in excess of \$182,400 each year of the biennium (estimated to be \$0) are hereby appropriated to the Texas Department of Licensing and Regulation for the same purpose.

## DEPARTMENT OF LICENSING AND REGULATION

(Continued)

4. **Auctioneer Education and Recovery.** Funds appropriated above in Strategy B.1.3, Resolve Complaints, include all revenue deposited to the Auctioneer Education and Recovery Fund for the purpose and in the amounts specified in Subchapter D § 1802.151, Occupations Code, not to exceed \$25,000 in each fiscal year from the interest on the fund.
5. **Elimination of Architectural Barriers.** Out of the General Revenue appropriated above, \$4,624,050 for each year of the biennium, is appropriated from fees collected pursuant to Government Code, Chapter 469, Subchapter B, for the purposes of administering and enforcing the Architectural Barrier Act. Any fees collected above those annual amounts (estimated to be \$0) are hereby appropriated to the Department of Licensing and Regulation for the same purpose.
6. **Elevators, Escalators, and Related Equipment.** Out of the General Revenue appropriated above, \$1,260,080 for each year of the biennium, is appropriated from fees collected pursuant to Health and Safety Code, Chapter 754, Subchapter B, for the purposes of administering and enforcing laws relating to elevators, escalators and related equipment, as set out in Chapter 754, Health and Safety Code. Any fees collected above those annual amounts (estimated to be \$0) are hereby appropriated to the Department of Licensing and Regulation for the same purpose.
7. **Reciprocity Agreements.** It is the intent of the Legislature that the Department of Licensing and Regulation use funds appropriated by this act to initiate and enter into reciprocity agreements with other states for the purpose of performing industrialized housing inspections in order to minimize the need for the agency sending state employees out of state to perform such inspections. The department may use funds appropriated by this act to enter into contracts with out-of-state inspectors to conduct such inspections.
8. **Elimination of Architectural Barriers: Reduce Duplicate Inspections.** None of the funds appropriated by this Act shall be expended for the purpose of conducting inspections and plan reviews within the corporate boundaries of a municipality which has applied with the department to perform review and inspection functions pursuant to the Elimination of Architectural Barriers Act, Government Code, Chapter 469, Subchapter C.
9. **Architectural Barrier Standards: Exemption.** None of the funds appropriated by this Act shall be expended for the purpose of enforcing the accessibility standards under the Elimination of Architectural Barriers program, Government Code, Chapter 469, with respect to a structure or facility used primarily for religious rituals within a building or facility of a religious organization and which is exempt from the application of Government Code, Chapter 469, Subchapter A, pursuant to § 469.003 of that article.
10. **Appropriation: Barber School Tuition Protection Account.** Out of the amounts appropriated above to the Texas Department of Licensing and Regulation in Strategy A.1.4, Continuing Education/Customer Service, the amounts of \$5,000 in fiscal year 2010 and \$5,000 in fiscal year 2011 are appropriated from the GR-Dedicated Barber School Tuition Protection Account No. 5081, for the purpose of paying expenses and refunds authorized by the department under the provisions of Occupations Code §1601.3571. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts.
11. **Appropriation: Private Beauty Culture School Tuition Protection Account.** Out of the amounts appropriated above to the Texas Department of Licensing and Regulation in Strategy A.1.4, Continuing Education/Customer Service, the amounts of \$20,000 in fiscal year 2010 and \$20,000 in fiscal year 2011 from the GR-Dedicated Private Beauty Culture School Tuition Protection Account No. 108, for the purpose of paying expenses and refunds authorized by the department under the provisions of Occupations Code §1602.464. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts.
12. **Reimbursement of Advisory Committee Members for Travel Expenses.** Pursuant to VTCA, Government Code §2110.004, reimbursement of expenses for advisory committee members, out of funds appropriated above, is limited to the following advisory committees: Air Conditioning and Refrigeration Contractors Advisory Board, Architectural Barriers Advisory Committee, Advisory Board on Barbering, Board of Boiler Rules, Advisory Board on Cosmetology, Electrical Safety and Licensing Advisory Board, Elevator Advisory Board, Texas Industrial Building Code

**DEPARTMENT OF LICENSING AND REGULATION**  
(Continued)

Council, Licensed Court Interpreters Advisory Board, Medical Advisory Committee, Property Tax Consultants Advisory Council, Towing and Storage Advisory Board, Water Well Drillers Advisory Council, and Weather Modification Advisory Committee.

**13. Unexpended Balance Authority.** The unobligated and unexpended balances of appropriations to the Department of Licensing and Regulation for the fiscal year ending August 31, 2010, are hereby appropriated to the Department of Licensing and Regulation for the same purposes for the fiscal year ending August 31, 2011.

**14. Contingent Revenue.** Out of the amounts appropriated above to the Department of Licensing and Regulation, in Strategy B.1.1, Conduct Inspections, the amounts of \$575,186 in fiscal year 2010 and \$485,692 in fiscal year 2011, in Strategy B.1.2, Building Plan Reviews, the amounts of \$34,910 in fiscal year 2010 and \$34,910 in fiscal year 2011, in Strategy B.1.3, Resolve Complaints, the amounts of \$69,234 in fiscal year 2010 and \$69,234 in fiscal year 2011, in Strategy B.1.4, Investigation, the amounts of \$85,149 in fiscal year 2010 and \$85,149 in fiscal year 2011, and in Strategy C.1.2, Information Resources, the amounts of \$168,303 in fiscal year 2010 and \$104,521 in fiscal year 2011 in General Revenue are contingent upon the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,855,321 in excess of \$62,551,340 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 6.0 FTEs in each fiscal year contingent upon the Department of Licensing and Regulation generating the amount of revenue indicated above. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Licensing and Regulation's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**15. Fees Established.**<sup>19</sup> To provide for the recovery of costs for the preceding appropriations, the following fee rates shall be in effect for fiscal years 2010 and 2011, pursuant to provisions of Government Code § 316.041-316.045:

- (1) Registration Fee            Not Less Than \$45 or More Than \$75
- (2) Annual Renewal Fee       Not Less Than \$45 or More Than \$75

**16. Polygraph Examiner Fee Rates.**<sup>20</sup> The Polygraph Examiners Board shall establish reasonable fees pursuant to Government Code § 316.043, to be effective during the biennium beginning on the effective date of this Act, not to exceed:

a.	Polygraph Examiners License	\$	500.00
b.	Internship License Application Fee		300.00
c.	Duplicate License		100.00
d.	Renewal Fee for Examiners License		500.00
e.	Extension or Renewal of an Internship License		150.00
f.	Examination Fee		200.00
g.	Late Fee		200.00

<sup>19</sup> Incorporates Article IX, § 17.59, of this Act, due to the enactment of HB 2447, 81<sup>st</sup> Legislature, Regular Session, relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Department of Licensing and Regulation, resulting in an increase in General Revenue Funds of \$192,763 and 3.7 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Board of Tax Professional Examiners will be transferred to the Department of Licensing and Regulation by March 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

<sup>20</sup> Incorporates Article IX, § 17.100, of this Act, due to the enactment of SB 1005, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of polygraph examiners by the Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board, resulting in an increase in General Revenue-Dedicated Operators and Chauffeurs License Account No. 099 Funds of \$106,040 and 2.0 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Polygraph Examiners Board will be transferred to the Department of Licensing and Regulation by January 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.



**TEXAS MEDICAL BOARD**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1, 2</sup>	\$ 9,363,536	\$ 9,098,759
Public Assurance Account No. 5105	2,228,281	2,229,642
Appropriated Receipts	64,423	64,423
<b>Total, Method of Financing</b>	<b>\$ 11,656,240</b>	<b>\$ 11,392,824</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 2,232,144	\$ 2,277,776
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	160.0	162.5
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$121,000	\$121,000
Salary Supplement	12,000	12,000
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSURE<sup>1</sup></b>		
Protect the Public through Licensure of Qualified Practitioners.		
<b>A.1.1. Strategy: LICENSING</b>	\$ 1,834,896	\$ 1,768,160
Conduct a Timely, Efficient, Cost-effective Licensure Process.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 316,841	\$ 316,841
TexasOnline. Estimated and Nontransferable.		
<b>Total, Goal A: LICENSURE</b>	<b>\$ 2,151,737</b>	<b>\$ 2,085,001</b>
<b>B. Goal: ENFORCE ACTS</b>		
Protect the Public with Investigations, Discipline and Education.		
<b>B.1.1. Strategy: ENFORCEMENT<sup>2</sup></b>	\$ 7,691,355	\$ 7,554,678
Conduct Competent, Fair, Timely Investigations and Monitor Results.		
<b>B.2.1. Strategy: PUBLIC EDUCATION</b>	\$ 452,625	\$ 438,167
Provide Programs to Educate the Public and Licensees.		
<b>Total, Goal B: ENFORCE ACTS</b>	<b>\$ 8,143,980</b>	<b>\$ 7,992,845</b>
<b>C. Goal: INDIRECT ADMINISTRATION</b>		
<b>C.1.1. Strategy: INDIRECT ADMIN</b>	\$ 548,427	\$ 533,351
Indirect Administration - Licensing.		
<b>C.1.2. Strategy: INDIRECT ADMIN</b>	\$ 812,096	\$ 781,627
Indirect Administration - Enforcement.		
<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	<b>\$ 1,360,523</b>	<b>\$ 1,314,978</b>
<b>Grand Total, TEXAS MEDICAL BOARD</b>	<b>\$ 11,656,240</b>	<b>\$ 11,392,824</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 7,108,253	\$ 7,227,958
Other Personnel Costs	231,700	244,920
Professional Fees and Services	2,224,406	2,224,406

<sup>1</sup> Incorporates Article IX, § 17.97, of this Act, due to the enactment of SB 911, 81<sup>st</sup> Legislature, Regular Session, relating to the certification and regulation of pain management clinics, resulting in an increase in General Revenue Funds of \$35,000 and 1.0 FTE each fiscal year contingent upon the agency generating sufficient revenue.

<sup>2</sup> Incorporates Article IX, § 17.108, of this Act, due to the enactment of SB 292, 81<sup>st</sup> Legislature, Regular Session, relating to the creation of the Texas Physician Health Program, resulting in an increase in General Revenue Funds of \$148,530 and 2.5 FTEs in FY 2010 and \$288,036 and 5.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

**TEXAS MEDICAL BOARD**  
(Continued)

Fuels and Lubricants	5,000	5,000
Consumable Supplies	82,500	82,500
Utilities	83,825	83,825
Travel	307,600	307,600
Rent - Building	22,000	22,000
Rent - Machine and Other	14,575	14,575
Other Operating Expense	1,272,015	1,180,040
Capital Expenditures	<u>304,366</u>	<u>0</u>
<b>Total, Object-of-Expense Informational Listing</b>	<b><u>\$ 11,656,240</u></b>	<b><u>\$ 11,392,824</u></b>

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 343,419	\$ 348,570
Group Insurance	940,594	1,018,312
Social Security	448,266	454,990
Benefits Replacement	<u>30,175</u>	<u>28,666</u>
Subtotal, Employee Benefits	<u>\$ 1,762,454</u>	<u>\$ 1,850,538</u>

Debt Service

Lease Payments	<u>\$ 81,148</u>	<u>\$ 51,285</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

<u>\$ 1,843,602</u>	<u>\$ 1,901,823</u>
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1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas Medical Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas Medical Board. In order to achieve the objectives and service standards established by this Act, the Texas Medical Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSURE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees Who Renew Online (Physicians)	93%	93%
Percent of Licensees Who Renew Online (Physician Assistant)	85%	85%
<b>A.1.1. Strategy: LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals (Physicians)	6,261	6,261
Number of New Licenses Issued to Individuals (Acupuncture)	72	72
Number of New Licenses Issued to Individuals (Physician Assistant)	500	500
Number of New Licenses Issued to Individuals (Surgical Assistant)	10	10
Number of Licenses Renewed (Individuals) (Physicians)	31,720	32,338
Number of Licenses Renewed (Individuals) (Acupuncture)	900	900
Number of Licenses Renewed (Individuals) (Physician Assistant)	5,428	5,892
Number of Licenses Renewed (Individuals) (Surgical Assistant)	139	143
<b>Efficiencies:</b>		
Average Number of Days for Individual License Issuance - Physicians	51	51
<b>B. Goal: ENFORCE ACTS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resulting in Disciplinary Action (Physician)	18%	18%
Percent of Complaints Resulting in Disciplinary Action (Acupuncture)	18%	18%
Percent of Complaints Resulting in Disciplinary Action (Physician Assistant)	18%	18%
Percent of Complaints Resulting in Disciplinary Action (Surgical Assistant)	18%	18%

**TEXAS MEDICAL BOARD**  
(Continued)

**B.1.1. Strategy: ENFORCEMENT**

**Output (Volume):**

Number of Complaints Resolved (Physicians)	2,400	2,550
Number of Complaints Resolved (Acupuncture)	6	6
Number of Complaints Resolved (Physician Assistant)	75	105
Number of Complaints Resolved (Surgical Assistant)	3	3

**Efficiencies:**

Average Time for Complaint Resolution (Physician) (Days)	260	240
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**Explanatory:**

Number of Jurisdictional Complaints Received (Physicians)	2,500	2,500
Number of Jurisdictional Complaints Received (Acupuncture)	6	6
Number of Jurisdictional Complaints Received (Physician Assistant)	100	100
Number of Jurisdictional Complaints Received (Surgical Assistant)	3	3

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Replacement of Desktops and Laptops	\$ 30,000	\$ 30,000
(2) Replace Network Hardware	120,500	0
(3) Replace Software	\$ 52,500	\$ 0
 Total, Acquisition of Information Resource Technologies	 \$ 203,000	 \$ 30,000
 Total, Capital Budget	 \$ 203,000	 \$ 30,000
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 203,000	\$ 30,000
 Total, Method of Financing	 \$ 203,000	 \$ 30,000

- 3. Salary Supplementation.** In addition to the amount specified in the schedule of exempt positions for the salary of the executive director, the Texas Medical Board may approve a salary supplement not to exceed \$12,000 annually if the executive director is a medical doctor and an attorney.
- 4. Rural Physician Assistant Loan Reimbursement.** Out of the amounts appropriated above to the Texas Medical Board in Strategy B.2.1, Public Education, and in accordance with § 204.104, Occupations Code, the Physician Assistant Board shall authorize and the Texas Medical Board shall transfer annually to the Texas Department of Rural Affairs<sup>3</sup> \$112,000 in General Revenue each year for the Rural Physician Assistant Loan Reimbursement program.
- 5. Quarterly Financial Reports.** The Texas Medical Board shall submit the following information to the Legislative Budget Board, the Office of the Governor and the State Auditor's Office on a quarterly basis:
- (1) Information on appropriated, budgeted, expended, and projected funds and full-time-equivalents, by strategy and method of finance.
  - (2) Information on appropriated, budgeted, expended, and projected revenues, including program income, interest earnings, fee revenues, and appropriated receipts.

<sup>3</sup> HB 1918, 81<sup>st</sup> Legislature, Regular Session, changed the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs, effective September 1, 2009.

**TEXAS MEDICAL BOARD**  
(Continued)

- (3) Narrative explanations of significant budget adjustments, ongoing budget issues, and other items as appropriate.
- (4) Any other information requested by the Legislative Budget Board, the Office of the Governor or the State Auditor's Office.

The quarterly financial reports shall be prepared in a format specified by the Legislative Budget Board. It is further the intent of the Legislature that the Texas Medical Board comply with requirements related to the planning and submission of the Information Technology Detail to the Legislative Budget Board.

- 6. Licensing Physicians.** Out of the amounts appropriated above in Strategy A.1.1, Licensing, the amounts of \$267,000 in fiscal year 2010 and \$198,000 in fiscal year 2011, and 6.0 Full-Time-Equivalents (FTE) in each fiscal year are contingent upon the Texas Medical Board prioritizing the licensing of physicians who treat Medicare and Medicaid patients. The Texas Medical Board shall submit a report to the Legislative Budget Board, the Comptroller of Public Accounts, the House Appropriations Committee and the Senate Finance Committee no later than December 1st of each year verifying the implementation of the requirements listed above.
- 7. Contingent Revenue.** Out of the amounts appropriated above to the Texas Medical Board in Strategy A.1.1, Licensing, the amounts of \$105,945 in fiscal year 2010 and \$80,375 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$1,878,672 in fiscal year 2010 and \$1,686,085 in fiscal year 2011, in Strategy B.2.1, Public Education, the amounts of \$118,364 in fiscal year 2010 and \$103,566 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$56,990 in fiscal year 2010 and \$51,066 in fiscal year 2011, and in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$89,378 in fiscal year 2010 and \$77,937 in fiscal year 2011 in General Revenue are contingent upon the Texas Medical Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$5,014,684 in excess of \$28,688,000 (Object Code 3560 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 14.0 FTEs in each fiscal year contingent upon the Texas Medical Board generating the amount of revenue indicated above. The Texas Medical Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Medical Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**TEXAS BOARD OF NURSING**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 7,550,283	\$ 7,805,533
Appropriated Receipts	823,100	823,100
<b>Total, Method of Financing</b>	<b>\$ 8,373,383</b>	<b>\$ 8,628,633</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,356,732	\$ 1,371,100
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	96.7	96.7

<sup>1</sup> Incorporates Article IX, § 17.74, of this Act, due to the enactment of HB 3961, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of nursing, resulting in an increase in General Revenue Funds of \$300,000 in FY 2011 contingent upon the agency generating sufficient revenue.

**TEXAS BOARD OF NURSING**  
(Continued)

**Schedule of Exempt Positions:**

Executive Director, Group 3	\$92,600	\$92,600
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**Items of Appropriation:**

**A. Goal: LICENSING**

Accredit, Examine, and License Nurse Education and Practice.

<b>A.1.1. Strategy: LICENSING<sup>2</sup></b>	\$ 2,444,605	\$ 2,730,105
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Operate Efficient System of Nursing Credential Verification.

<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 325,000	\$ 325,000
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TexasOnline. Estimated and Nontransferable.

<b>A.2.1. Strategy: ACCREDITATION</b>	<u>\$ 524,386</u>	<u>\$ 524,386</u>
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Accredit Programs That Include Essential Competencies Curricula.

<b>Total, Goal A: LICENSING</b>	<u>\$ 3,293,991</u>	<u>\$ 3,579,491</u>
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**B. Goal: PROTECT PUBLIC**

Protect Public and Enforce Nursing Practice Act.

<b>B.1.1. Strategy: ADJUDICATE VIOLATIONS</b>	\$ 3,472,727	\$ 3,442,477
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Administer System of Enforcement and Adjudication.

<b>B.1.2. Strategy: PEER ASSISTANCE</b>	<u>\$ 700,000</u>	<u>\$ 700,000</u>
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Identify, Refer and Assist Those Nurses Whose Practice Is Impaired.

<b>Total, Goal B: PROTECT PUBLIC</b>	<u>\$ 4,172,727</u>	<u>\$ 4,142,477</u>
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**C. Goal: INDIRECT ADMINISTRATION**

<b>C.1.1. Strategy: INDIRECT ADMIN - LICENSING</b>	\$ 550,060	\$ 550,060
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Indirect Administration for Licensing Programs.

<b>C.1.2. Strategy: INDIRECT ADMIN - ENFORCEMENT</b>	<u>\$ 356,605</u>	<u>\$ 356,605</u>
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Indirect Administration for Enforcement and Adjudication Programs.

<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	<u>\$ 906,665</u>	<u>\$ 906,665</u>
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<b>Grand Total, TEXAS BOARD OF NURSING</b>	<u><u>\$ 8,373,383</u></u>	<u><u>\$ 8,628,633</u></u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 4,336,602	\$ 4,336,602
Other Personnel Costs	104,700	106,300
Professional Fees and Services	44,000	344,000
Consumable Supplies	65,825	65,800
Utilities	4,275	4,375
Travel	78,000	78,000
Rent - Building	7,000	7,000
Rent - Machine and Other	16,100	16,100
Other Operating Expense	3,686,881	3,640,456
Capital Expenditures	<u>30,000</u>	<u>30,000</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 8,373,383</u></u>	<u><u>\$ 8,628,633</u></u>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 229,861	\$ 233,309
Group Insurance	468,544	504,894
Social Security	278,728	282,909
Benefits Replacement	<u>14,849</u>	<u>14,107</u>

Subtotal, Employee Benefits	<u>\$ 991,982</u>	<u>\$ 1,035,219</u>
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<sup>2</sup> Incorporates Article IX, § 17.74, of this Act, due to the enactment of HB 3961, 81<sup>st</sup> Legislature, Regular Session, relating to the regulation of nursing, resulting in an increase in General Revenue Funds of \$300,000 in FY 2011 contingent upon the agency generating sufficient revenue.

**TEXAS BOARD OF NURSING**  
(Continued)

<u>Debt Service</u>		
Lease Payments	\$ <u>67,659</u>	\$ <u>42,792</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ <u>1,059,641</u></b>	<b>\$ <u>1,078,011</u></b>

**1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Texas Board of Nursing. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Texas Board of Nursing. In order to achieve the objectives and service standards established by this Act, the Texas Board of Nursing shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSING</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Licensees with No Recent Violations (RN)	98.5%	98.5%
Percent of Licensees Who Renew Online (RN)	92%	92%
Percent of New Individual Licenses Issued Online (RN)	60%	60%
Percentage of Licensees with No Recent Violations (LVN)	97.5%	97.5%
Percent of Licensees Who Renew Online (LVN)	82%	82%
Percent of New Individual Licenses Issued Online (LVN)	40%	40%
<b>A.1.1. Strategy: LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals (RN)	12,500	12,500
Number of Individual Licenses Renewed (RN)	96,000	97,000
Number of New Licenses Issued to Individuals (LVN)	6,000	6,000
Number of Individual Licenses Renewed (LVN)	38,500	38,500
<b>B. Goal: PROTECT PUBLIC</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resulting in Disciplinary Action (RN)	24%	24%
Percent of Complaints Resulting in Disciplinary Action (LVN)	28%	28%
<b>B.1.1. Strategy: ADJUDICATE VIOLATIONS</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved (RN)	5,000	5,000
Number of Complaints Resolved (LVN)	4,000	4,000
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days) (RN)	223	223
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received (RN)	5,300	5,300
Number of Jurisdictional Complaints Received (LVN)	3,300	3,300
<b>B.1.2. Strategy: PEER ASSISTANCE</b>		
<b>Output (Volume):</b>		
Number of Licensed Individuals Participating in a Peer Assistance Program (RN)	600	600
Number of Licensed Individuals Participating in a Peer Assistance Program (LVN)	250	250

**2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	<u>2010</u>	<u>2011</u>
a. Acquisition of Information Resource Technologies		
(1) Purchase of Information Resource Technologies - Scheduled Replacement	\$ <u>30,000</u>	\$ <u>30,000</u>
Total, Capital Budget	\$ <u>30,000</u>	\$ <u>30,000</u>

**TEXAS BOARD OF NURSING**  
(Continued)

Method of Financing (Capital Budget):

General Revenue Fund	\$	30,000	\$	30,000
Total, Method of Financing	\$	<u>30,000</u>	\$	<u>30,000</u>

- 3. Texas Center for Nursing Workforce Studies Funding.** Out of amounts appropriated above in Strategy A.1.1, Licensing, the Board of Nursing shall establish an Interagency Contract with the Department of State Health Services to provide funding for the Texas Center for Nursing Workforce Studies of \$365,000 each year.

## OPTOMETRY BOARD

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 483,778	\$ 440,381
<u>Other Funds</u>		
Appropriated Receipts	13,574	13,575
Interagency Contracts	36,006	36,006
Subtotal, Other Funds	<u>\$ 49,580</u>	<u>\$ 49,581</u>
<b>Total, Method of Financing</b>	<u><u>\$ 533,358</u></u>	<u><u>\$ 489,962</u></u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 111,912	\$ 112,337
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	7.0	7.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSURE AND ENFORCEMENT</b>		
Manage Quality Program of Examination and Licensure, Enforce Statutes.		
<b>A.1.1. Strategy: LICENSURE AND ENFORCEMENT</b>	\$ 376,614	\$ 333,217
Operate an Efficient & Comprehensive Licensure & Enforcement System.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 16,750	\$ 16,750
TexasOnline. Estimated and Nontransferable.		
<b>A.1.3. Strategy: INDIRECT ADMINISTRATION</b>	\$ 103,994	\$ 103,995
<b>A.1.4. Strategy: PEER ASSISTANCE</b>	<u>\$ 36,000</u>	<u>\$ 36,000</u>
Provide a Peer Assistance Program for Licensed Individuals.		
<b>Total, Goal A: LICENSURE AND ENFORCEMENT</b>	<u>\$ 533,358</u>	<u>\$ 489,962</u>
<b>Grand Total, OPTOMETRY BOARD</b>	<u><u>\$ 533,358</u></u>	<u><u>\$ 489,962</u></u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 290,129	\$ 290,129
Other Personnel Costs	10,300	10,300
Professional Fees and Services	80,600	80,600
Consumable Supplies	2,000	2,000
Utilities	625	625
Travel	24,152	24,152
Rent - Building	50	50
Rent - Machine and Other	1,750	1,750
Other Operating Expense	<u>123,752</u>	<u>80,356</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u><u>\$ 533,358</u></u>	<u><u>\$ 489,962</u></u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 15,119	\$ 15,345
Group Insurance	44,633	48,364
Social Security	21,591	21,915
Benefits Replacement	<u>1,798</u>	<u>1,708</u>
Subtotal, Employee Benefits	<u>\$ 83,141</u>	<u>\$ 87,332</u>
<u>Debt Service</u>		
Lease Payments	<u>\$ 7,262</u>	<u>\$ 4,590</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u><u>\$ 90,403</u></u>	<u><u>\$ 91,922</u></u>



**OPTOMETRY BOARD**  
(Continued)

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Optometry Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Optometry Board. In order to achieve the objectives and service standards established by this Act, the Optometry Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: LICENSURE AND ENFORCEMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	98%	98%
Percent of Licensees Who Renew Online	85%	85%
<b>A.1.1. Strategy: LICENSURE AND ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	165	165
Number of Licenses Renewed (Individuals)	3,686	3,750
Number of Complaints Resolved	145	145
Number of Investigations Conducted	63	63
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	70	70

- 2. Investigative Expenses Authorized.** The Texas Optometry Board is authorized to hire investigators as independent contractors and to establish a petty cash account not to exceed \$5,000 for the advancement of monies for purposes of purchases of evidence and investigative expenses, including travel, deemed necessary by the Board.

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Optometry Board in Strategy A.1.1, Licensure and Enforcement, the amounts of \$52,668 in fiscal year 2010 and \$9,270 in fiscal year 2011, and in Strategy A.1.3, Indirect Administration, the amounts of \$1,047 in fiscal year 2010 and \$1,047 in fiscal year 2011, and in Strategy A.1.4, Peer Assistance, the amounts of \$36,000 in fiscal year 2010 and \$36,000 in fiscal year 2011 in General Revenue are contingent upon the Optometry Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$137,963 in excess of \$1,310,000 (Object Codes 3562 and 3570), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Optometry Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Optometry Board's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**BOARD OF PHARMACY**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 6,103,241	\$ 5,133,340
Appropriated Receipts	7,730	7,730
<b>Total, Method of Financing</b>	<b>\$ 6,110,971</b>	<b>\$ 5,141,070</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,111,536	\$ 1,142,341

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

<sup>1</sup> Incorporates Article IX, § 17.114, of this Act, due to the enactment of SB 1853, 81<sup>st</sup> Legislature, Regular Session, relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee, resulting in an increase in General Revenue Funds of \$61,060 and 1.0 FTE in FY 2010 and \$44,231 and 1.0 FTE in FY 2011.

**BOARD OF PHARMACY**  
(Continued)

<b>Number of Full-Time-Equivalents (FTE):<sup>2</sup></b>	72.0	72.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 4	\$106,500	\$106,500
<b>Items of Appropriation:</b>		
<b>A. Goal: MAINTAIN STANDARDS</b>		
Establish and Maintain Standards for Pharmacy Education and Practice.		
<b>A.1.1. Strategy: LICENSING</b>	\$ 1,527,685	\$ 663,154
Operate an Application and Renewal Licensure System.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 217,345	\$ 221,785
TexasOnline. Estimated and Nontransferable.		
<b>Total, Goal A: MAINTAIN STANDARDS</b>	<u>\$ 1,745,030</u>	<u>\$ 884,939</u>
<b>B. Goal: ENFORCE REGULATIONS</b>		
Protect Public Health by Enforcing All Laws Relating to Practice.		
<b>B.1.1. Strategy: ENFORCEMENT<sup>2</sup></b>	\$ 3,481,601	\$ 3,386,746
Operate System of Inspection Assistance Education.		
<b>B.1.2. Strategy: PEER ASSISTANCE</b>	\$ 189,044	\$ 189,044
Provide a Peer Assistance Program for Licensed Individuals.		
<b>Total, Goal B: ENFORCE REGULATIONS</b>	<u>\$ 3,670,645</u>	<u>\$ 3,575,790</u>
<b>C. Goal: INDIRECT ADMINISTRATION</b>		
<b>C.1.1. Strategy: LICENSING - INDIRECT ADMINISTRATION</b>	\$ 102,532	\$ 101,947
<b>C.1.2. Strategy: ENFORCEMENT-INDIRECT ADMINISTRATION</b>	\$ 592,764	\$ 578,394
<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	<u>\$ 695,296</u>	<u>\$ 680,341</u>
<b>Grand Total, BOARD OF PHARMACY</b>	<u>\$ 6,110,971</u>	<u>\$ 5,141,070</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 3,645,394	\$ 3,719,603
Other Personnel Costs	85,170	89,840
Professional Fees and Services	386,895	370,556
Fuels and Lubricants	57,609	57,609
Consumable Supplies	35,402	35,402
Utilities	6,781	6,781
Travel	200,370	200,370
Rent - Building	2,808	2,808
Rent - Machine and Other	10,000	10,000
Other Operating Expense	1,477,101	560,001
Capital Expenditures	<u>203,441</u>	<u>88,100</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 6,110,971</u>	<u>\$ 5,141,070</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 161,668	\$ 164,093
Group Insurance	422,370	456,568
Social Security	218,587	221,866
Benefits Replacement	<u>15,699</u>	<u>14,914</u>
Subtotal, Employee Benefits	<u>\$ 818,324</u>	<u>\$ 857,441</u>

<sup>2</sup> Incorporates Article IX, § 17.114, of this Act, due to the enactment of SB 1853, 81<sup>st</sup> Legislature, Regular Session, relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee, resulting in an increase in General Revenue Funds of \$61,060 and 1.0 FTE in FY 2010 and \$44,231 and 1.0 FTE in FY 2011 contingent upon the agency generating sufficient revenue.

**BOARD OF PHARMACY**  
(Continued)

<u>Debt Service</u>		
Lease Payments	\$ 38,579	\$ 24,383
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 856,903</b>	<b>\$ 881,824</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Pharmacy. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Pharmacy. In order to achieve the objectives and service standards established by this Act, the Board of Pharmacy shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: MAINTAIN STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	95%	95%
Percent of Licensees Who Renew Online	84%	84%
<b>A.1.1. Strategy: LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	1,140	1,210
Number of Licenses Renewed (Individuals)	12,759	13,451
<b>Explanatory:</b>		
Total Number of Business Facilities Licensed	6,615	6,721
<b>B. Goal: ENFORCE REGULATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resulting in Disciplinary Action	15%	15%
<b>B.1.1. Strategy: ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	4,980	4,980
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	180	180
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	5,000	5,000
<b>B.1.2. Strategy: PEER ASSISTANCE</b>		
<b>Output (Volume):</b>		
Number of Individuals Participating in a Peer Assistance Program	160	160

- 2. Capital Budget Items.** None of the funds appropriated may be expended for capital budget items except as listed below. If a finding of fact is not issued by the Comptroller of Public Accounts to make the contingent appropriation specified in Rider 4, Contingent Revenue, the capital budget expenditure and transfer authority provided to the Board of Pharmacy by Article IX, Section 14.03, Limitation on Expenditures - Capital Budget, of this act, only applies to \$35,100 in fiscal year 2010 and \$55,100 in 2011 for the scheduled replacement of computer hardware, and \$16,500 in 2010 and \$33,000 in 2011 for transportation vehicles replacement. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	<u>2010</u>	<u>2011</u>
a. Repair or Rehabilitation of Buildings and Facilities		
(1) Rider 4 Contingency - Office Space Remodeling	\$ 101,500	\$ 0
Total, Repair or Rehabilitation of Buildings and Facilities	<u>\$ 101,500</u>	<u>\$ 0</u>
b. Acquisition of Information Resource Technologies		
(1) Replacement of Computer Hardware	35,100	55,100

**BOARD OF PHARMACY**  
(Continued)

(2) Rider 4 Contingency - Purchase of New Computers	17,341	0
Total, Acquisition of Information Resource Technologies	<u>\$ 52,441</u>	<u>\$ 55,100</u>
c. Transportation Items		
(1) Transportation Vehicles Replacement	16,500	33,000
(2) Rider 4 Contingency - Purchase of New Agency Vehicles	33,000	0
Total, Transportation Items	<u>\$ 49,500</u>	<u>\$ 33,000</u>
Total, Capital Budget	<u>\$ 203,441</u>	<u>\$ 88,100</u>
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 203,441	\$ 88,100
Total, Method of Financing	<u>\$ 203,441</u>	<u>\$ 88,100</u>

- 3. Controlled Substance Forfeiture Program.** In addition to amounts appropriated above, all forfeited money collected under federal or state forfeiture programs, proceeds from the sale of forfeited property or similar monetary awards related to the Board of Pharmacy's participation in the seizure of controlled substances or other contraband, are hereby appropriated to the Board of Pharmacy to be used for enforcement purposes. Any funds unexpended at the close of fiscal year 2010 are appropriated for fiscal year 2011.
- 4. Contingent Revenue.** Out of the amounts appropriated above to the Board of Pharmacy in Strategy A.1.1, Licensing, the amounts of \$1,004,444 in fiscal year 2010 and \$140,353 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$790,677 in fiscal year 2010 and \$703,525 in fiscal year 2011, in Strategy B.1.2, Peer Assistance, the amounts of \$14,906 in fiscal year 2010, in Strategy C.1.1, Licensing - Indirect Administration, the amounts of \$1,721 in fiscal year 2010 and \$3,486 in fiscal year 2011, and in Strategy C.1.2, Enforcement - Indirect Administration, the amounts of \$9,752 in fiscal year 2010 and \$19,753 in fiscal year 2011 in General Revenue are contingent upon the Board of Pharmacy assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$3,056,074 in excess of \$12,081,060 (Object Codes 3570 and 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 9.0 FTEs in each fiscal year contingent upon the Board of Pharmacy generating the amount of revenue indicated above. The Board of Pharmacy, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Pharmacy's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**EXECUTIVE COUNCIL OF PHYSICAL THERAPY &  
OCCUPATIONAL THERAPY EXAMINERS**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>                    </u>	<u>                    </u>
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,060,722	\$ 1,051,119
Appropriated Receipts	<u>80,676</u>	<u>80,678</u>
<b>Total, Method of Financing</b>	<u>\$ 1,141,398</u>	<u>\$ 1,131,797</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 298,471	\$ 300,606

**EXECUTIVE COUNCIL OF PHYSICAL THERAPY &  
OCCUPATIONAL THERAPY EXAMINERS**

(Continued)

**This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.**

**Number of Full-Time-Equivalents (FTE):** 18.0 18.0

**Schedule of Exempt Positions:**

Executive Director, Group 1 \$70,000 \$70,000

**Items of Appropriation:**

**A. Goal: LICENSING AND REGISTRATION**

License Physical and Occupational Therapists and Register Facilities.

**A.1.1. Strategy: OPERATE LICENSING SYSTEM** \$ 649,964 \$ 646,387

Issue and Renew Licenses and Register Facilities.

**A.1.2. Strategy: TEXASONLINE** \$ 131,175 \$ 131,175

TexasOnline. Estimated and Nontransferable.

**Total, Goal A: LICENSING AND REGISTRATION** \$ 781,139 \$ 777,562

**B. Goal: ENFORCEMENT**

Promote Compliance and Enforce PT and OT Practice Acts and Rules.

**B.1.1. Strategy: ADMINISTER ENFORCEMENT** \$ 349,567 \$ 344,024

Enforce the Physical Therapy and Occupational Therapy Practice Acts.

**C. Goal: INDIRECT ADMINISTRATION**

**C.1.1. Strategy: LICENSING INDIRECT ADMINISTRATION** \$ 6,414 \$ 6,126

**C.1.2. Strategy: ENFORCEMENT INDIRECT ADMINISTRATION** \$ 4,278 \$ 4,085

**Total, Goal C: INDIRECT ADMINISTRATION** \$ 10,692 \$ 10,211

**Grand Total, EXECUTIVE COUNCIL OF PHYSICAL THERAPY & OCCUPATIONAL THERAPY EXAMINERS** \$ 1,141,398 \$ 1,131,797

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 801,996	\$ 801,996
Other Personnel Costs	29,100	29,100
Professional Fees and Services	15,350	15,350
Consumable Supplies	15,000	15,000
Utilities	10,250	10,250
Travel	44,378	44,377
Rent - Building	400	400
Other Operating Expense	224,924	215,324

**Total, Object-of-Expense Informational Listing** \$ 1,141,398 \$ 1,131,797

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 51,405	\$ 52,176
Group Insurance	114,767	123,114
Social Security	60,072	60,974
Benefits Replacement	5,560	5,282

Subtotal, Employee Benefits \$ 231,804 \$ 241,546

Debt Service

Lease Payments	\$ 16,721	\$ 10,567
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 248,525 \$ 252,113

**1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Executive Council of Physical Therapy & Occupational Therapy Examiners. It is the

**EXECUTIVE COUNCIL OF PHYSICAL THERAPY &  
OCCUPATIONAL THERAPY EXAMINERS**

(Continued)

intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Executive Council of Physical Therapy & Occupational Therapy Examiners. In order to achieve the objectives and service standards established by this Act, the Executive Council of Physical Therapy & Occupational Therapy Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSING AND REGISTRATION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations:		
Physical Therapy	99%	99%
Percent of Licensees with No Recent Violations:		
Occupational Therapy	100%	100%
Percent of Licensees Who Renew Online	92%	92%
Percent of New Individual Licenses Issued Online	80%	80%
<b>A.1.1. Strategy: OPERATE LICENSING SYSTEM</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals:		
Physical Therapy	950	1,000
Number of New Licenses Issued to Individuals:		
Occupational Therapy	590	600
Number of Licenses Renewed (Individuals): Physical Therapy	6,600	6,700
Number of Licenses Renewed (Individuals): Occupational Therapy	4,200	4,300
<b>Explanatory:</b>		
Total Number of Business Facilities Registered	3,100	3,100
<b>B. Goal: ENFORCEMENT</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Complaints Resulting in Disciplinary Action:		
Physical Therapy	25%	25%
Percent of Complaints Resulting in Disciplinary Action:		
Occupational Therapy	25%	25%
<b>B.1.1. Strategy: ADMINISTER ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved: Physical Therapy	325	350
Number of Complaints Resolved: Occupational Therapy	125	130
<b>Efficiencies:</b>		
Average Time for Complaint Resolution: Physical Therapy (Days)	125	125
Average Time for Complaint Resolution: Occupational Therapy (Days)	125	125
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received:		
Physical Therapy	325	325
Number of Jurisdictional Complaints Received:		
Occupational Therapy	125	125

2. **Contingent Revenue.** Out of the amounts appropriated above to the Executive Council of Physical Therapy & Occupational Therapy Examiners in Strategy A.1.1, Operate Licensing System, the amounts of \$40,696 in fiscal year 2010 and \$31,120 in fiscal year 2011, in Strategy B.1.1, Administer Enforcement, the amounts of \$21,775 in fiscal year 2010 and \$16,231 in fiscal year 2011, in Strategy C.1.1, Licensing Indirect Administration, the amounts of \$1,074 in 2010 and \$786 in 2011, and in Strategy C.1.2, Enforcement Indirect Administration, the amounts of \$716 in 2010 and \$524 in 2011 in General Revenue are contingent upon the Executive Council of Physical Therapy & Occupational Therapy Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$129,185 in excess of \$7,625,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Executive Council of Physical Therapy & Occupational Therapy Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Executive Council of Physical Therapy & Occupational Therapy Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

## BOARD OF PLUMBING EXAMINERS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund <sup>1</sup>	\$ 2,623,794	\$ 2,078,909
Appropriated Receipts	48,750	48,750
<b>Total, Method of Financing</b>	<u>\$ 2,672,544</u>	<u>\$ 2,127,659</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 445,894	\$ 474,026
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):<sup>1</sup></b>	26.3	27.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$77,000	\$77,000
<b>Items of Appropriation:</b>		
<b>A. Goal: ENSURE PUBLIC SAFETY/PLUMBING</b>		
Ensure Public Health by Licensing and Registering Plumbers.		
<b>A.1.1. Strategy: EXAMINE AND LICENSE PLUMBERS</b>	\$ 1,112,726	\$ 748,410
Administer Competency Examinations, Issue and Renew Licenses.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 155,000	\$ 155,000
TexasOnline. Estimated and Nontransferable.		
<b>A.1.3. Strategy: INSPECTIONS AND ENFORCEMENT<sup>1</sup></b>	\$ 1,140,220	\$ 958,751
Inspect and Monitor Job Sites, Investigate and Resolve Complaints.		
<b>Total, Goal A: ENSURE PUBLIC SAFETY/PLUMBING</b>	<u>\$ 2,407,946</u>	<u>\$ 1,862,161</u>
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: INDIRECT ADMIN - EXAM/LICENSE</b>	\$ 105,905	\$ 106,405
Indirect Administration - Exam/License.		
<b>B.1.2. Strategy: INDIRECT ADMIN - INSPECT/ENFORCE</b>	\$ 158,693	\$ 159,093
Indirect Administration - Inspections/Enforcement.		
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	<u>\$ 264,598</u>	<u>\$ 265,498</u>
<b>Grand Total, BOARD OF PLUMBING EXAMINERS</b>	<u>\$ 2,672,544</u>	<u>\$ 2,127,659</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,238,195	\$ 1,270,278
Other Personnel Costs	65,600	65,600
Professional Fees and Services	87,100	88,100
Fuels and Lubricants	25,050	31,000
Consumable Supplies	15,800	16,950
Utilities	27,775	29,600
Travel	56,050	63,300
Rent - Building	183,791	183,791
Rent - Machine and Other	8,000	8,000
Other Operating Expense	896,183	371,040
Capital Expenditures	69,000	0
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 2,672,544</u>	<u>\$ 2,127,659</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		

<sup>1</sup> Incorporates Article IX, § 17.67, due to the enactment of SB 1354, 81<sup>st</sup> Legislature, Regular Session, relating to the licensing and regulation of plumbers, resulting in an increase in General Revenue Funds of \$40,320 and 0.3 FTEs in FY 2010 and \$55,278 and 1.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue.

## BOARD OF PLUMBING EXAMINERS

(Continued)

<u>Employee Benefits</u>		
Retirement	\$ 74,237	\$ 75,351
Group Insurance	222,774	242,924
Social Security	89,174	90,511
Benefits Replacement	9,654	9,171
Subtotal, Employee Benefits	\$ 395,839	\$ 417,957
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 395,839</b>	<b>\$ 417,957</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Plumbing Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Plumbing Examiners. In order to achieve the objectives and service standards established by this Act, the Board of Plumbing Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ENSURE PUBLIC SAFETY/PLUMBING Outcome (Results/Impact):</b>		
Percentage of Complaints Resolved Resulting in Disciplinary Action	50%	50%
Percentage of Licensees with No Recent Violations	98.5%	98.5%
Percent of Licensees Who Renew Online	35%	36%
Percent of New Individual Licenses Issued Online	22%	23%
<b>A.1.1. Strategy: EXAMINE AND LICENSE PLUMBERS Output (Volume):</b>		
Number of New Licenses Issued to Individuals	2,060	2,110
<b>A.1.3. Strategy: INSPECTIONS AND ENFORCEMENT Output (Volume):</b>		
Number of Job Sites Monitored	10,125	10,610
Number of Field Investigations Conducted	860	860
Number of Complaints Resolved	950	950

- 2. Capital Budget.<sup>2</sup>** None of the funds appropriated above may be expended for capital budget items except as listed below. If a finding of fact is not issued by the Comptroller of Public Accounts to make the contingent appropriations specified in Rider 3, Contingent Revenue, and in Article IX, Sec. 17.67, the capital budget expenditure and transfer authority provided to the Board of Plumbing Examiners by Article IX, Section 14.03, Limitation on Expenditures - Capital Budget, of this act, only applies to \$23,000 in fiscal year 2010 for the purpose of new vehicles. The amount shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Transportation Items		
(1) Purchase of New Vehicle (1)	\$ 23,000	\$ 0
(2) Rider 3 Contingency - Purchase of New Vehicle (1)	23,000	0
(3) Contingency for SB 1354 - Purchase of New Vehicle (1)	23,000	0
Total, Transportation Items	\$ 69,000	\$ 0
Total, Capital Budget	\$ 69,000	\$ 0

<sup>2</sup> Incorporates Article IX, § 17.67, due to the enactment of SB 1354, 81<sup>st</sup> Legislature, Regular Session, relating to the licensing and regulation of plumbers, resulting in an increase in General Revenue Funds of \$40,320 and 0.3 FTEs in FY 2010 and \$55,278 and 1.0 FTEs in FY 2011 contingent upon the agency generating sufficient revenue. Rider 2 has been edited to increase capital budget authority for the purchase of a vehicle which is included in contingent appropriations provided under Article IX, § 17.67.



**BOARD OF PLUMBING EXAMINERS**  
(Continued)

Method of Financing (Capital Budget):

General Revenue Fund	\$ 69,000	\$ 0
Total, Method of Financing	<u>\$ 69,000</u>	<u>\$ 0</u>

- 3. Contingent Revenue.** Out of the amounts appropriated above to the Board of Plumbing Examiners in Strategy A.1.1, Examine and License Plumbers, the amounts of \$448,385 in fiscal year 2010 and \$84,069 in fiscal year 2011, in Strategy A.1.3, Inspections and Enforcement, the amounts of \$276,736 in fiscal year 2010 and \$95,173 in fiscal year 2011, in Strategy B.1.1, Indirect Administration - Exam/Licensing, the amounts of \$750 in fiscal year 2010 and \$750 in fiscal year 2011, and in Strategy B.1.2, Indirect Administration-Inspections/Enforcement, the amounts of \$1,250 in fiscal year 2010 and \$1,250 in fiscal year 2011 in General Revenue are contingent upon the Board of Plumbing Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$974,645 in excess of \$6,164,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 2 FTEs in each fiscal year contingent upon the Board of Plumbing Examiners generating the amount of revenue indicated above. The Board of Plumbing Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Plumbing Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

	For the Years Ending August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 239,798	\$ 238,375
Appropriated Receipts	<u>3,200</u>	<u>3,200</u>
<b>Total, Method of Financing</b>	<u>\$ 242,998</u>	<u>\$ 241,575</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 72,321	\$ 71,480
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	4.0	4.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$70,000
<b>Items of Appropriation:</b>		
<b>A. Goal: PROTECT TEXANS</b> Protect Citizens of Texas from Incompetent and Unethical Podiatrists.		
<b>A.1.1. Strategy: LICENSURE AND ENFORCEMENT</b> Provide Exams and Continuing Education & Investigate Violations of Act.	\$ 198,634	\$ 199,211
<b>A.1.2. Strategy: TEXASONLINE</b> TexasOnline. Estimated and Nontransferable.	\$ 4,130	\$ 4,130
<b>A.1.3. Strategy: INDIRECT ADMINISTRATION</b>	<u>\$ 40,234</u>	<u>\$ 38,234</u>
<b>Total, Goal A: PROTECT TEXANS</b>	<u>\$ 242,998</u>	<u>\$ 241,575</u>
<b>Grand Total, BOARD OF PODIATRIC MEDICAL EXAMINERS</b>	<u>\$ 242,998</u>	<u>\$ 241,575</u>

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

(Continued)

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 169,798	\$ 169,798
Other Personnel Costs	6,920	7,580
Professional Fees and Services	17,000	15,000
Consumable Supplies	6,100	6,100
Utilities	400	400
Travel	16,500	16,500
Other Operating Expense	<u>26,280</u>	<u>26,197</u>

<b>Total, Object-of-Expense Informational Listing</b>	<b><u>\$ 242,998</u></b>	<b><u>\$ 241,575</u></b>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 10,026	\$ 10,176
Group Insurance	20,366	21,751
Social Security	12,613	12,803
Benefits Replacement	<u>927</u>	<u>880</u>
 Subtotal, Employee Benefits	 <u>\$ 43,932</u>	 <u>\$ 45,610</u>

Debt Service

Lease Payments	<u>\$ 6,408</u>	<u>\$ 4,049</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b><u>\$ 50,340</u></b>	<b><u>\$ 49,659</u></b>
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1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Podiatric Medical Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Podiatric Medical Examiners. In order to achieve the objectives and service standards established by this Act, the Board of Podiatric Medical Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: PROTECT TEXANS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	98.5%	98.5%
Percent of Documented Complaints Resolved within Six Months	77.5%	77.5%
Percent of Licensees Who Renew Online	80%	80%
<b>A.1.1. Strategy: LICENSURE AND ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	45	45
Complaints Resolved	135	135
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	260	260
<b>Explanatory:</b>		
Total Number of Individuals Licensed	1,130	1,130

2. **Contingent Revenue.** Out of the amounts appropriated above to the Board of Podiatric Medical Examiners in Strategy A.1.1, Licensure and Enforcement, the amounts of \$5,612 in fiscal year 2010 and \$5,612 in fiscal year 2011, and in Strategy A.1.3, Indirect Administration, the amounts of \$803 in fiscal year 2010 and \$803 in fiscal year 2011 in General Revenue are contingent upon the Board of Podiatric Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$17,875 in excess of \$862,000 (Object Code 3562), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. The Board of Podiatric Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Podiatric Medical Examiners' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

## BOARD OF EXAMINERS OF PSYCHOLOGISTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 892,976	\$ 800,206
<u>Other Funds</u>		
Appropriated Receipts	57,000	57,000
Interagency Contracts	22,398	22,398
Subtotal, Other Funds	\$ 79,398	\$ 79,398
<b>Total, Method of Financing</b>	\$ 972,374	\$ 879,604
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 223,941	\$ 225,176
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	14.0	14.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$75,075	\$75,075
<b>Items of Appropriation:</b>		
<b>A. Goal: LICENSURE</b>		
Protect Public through Quality Program of Licensure.		
<b>A.1.1. Strategy: LICENSING</b>	\$ 465,917	\$ 415,056
Operate Quality Program of Licensure.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 32,000	\$ 32,000
TexasOnline. Estimated and Nontransferable.		
<b>Total, Goal A: LICENSURE</b>	\$ 497,917	\$ 447,056
<b>B. Goal: ENFORCEMENT LAWS &amp; RULES</b>		
Protect the Public through Enforcement of Laws & Rules.		
<b>B.1.1. Strategy: ENFORCEMENT</b>	\$ 316,863	\$ 274,954
Operate a Quality Investigation/Enforcement Program.		
<b>C. Goal: INDIRECT ADMINISTRATION</b>		
<b>C.1.1. Strategy: INDIRECT ADMIN - LICENSING</b>	\$ 84,193	\$ 84,193
Indirect Administration - Licensing.		
<b>C.1.2. Strategy: INDIRECT ADMIN - ENFORCEMENT</b>	\$ 73,401	\$ 73,401
Indirect Administration - Enforcement.		
<b>Total, Goal C: INDIRECT ADMINISTRATION</b>	\$ 157,594	\$ 157,594
<b>Grand Total, BOARD OF EXAMINERS OF PSYCHOLOGISTS</b>	\$ 972,374	\$ 879,604
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 627,889	\$ 627,889
Other Personnel Costs	19,860	19,860
Professional Fees and Services	79,988	79,989
Fuels and Lubricants	172	172
Consumable Supplies	5,000	5,000
Utilities	500	500
Travel	22,400	22,400
Rent - Building	3,800	3,800
Rent - Machine and Other	6,600	6,600
Other Operating Expense	193,265	104,994
Capital Expenditures	12,900	8,400
<b>Total, Object-of-Expense Informational Listing</b>	\$ 972,374	\$ 879,604
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		

**BOARD OF EXAMINERS OF PSYCHOLOGISTS**  
(Continued)

<u>Employee Benefits</u>			
Retirement	\$	33,182	\$ 33,680
Group Insurance		75,441	80,842
Social Security		43,393	44,044
Benefits Replacement		<u>5,505</u>	<u>5,230</u>
Subtotal, Employee Benefits	\$	<u>157,521</u>	\$ <u>163,796</u>
 <u>Debt Service</u>			
Lease Payments	\$	<u>13,203</u>	\$ <u>8,344</u>
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$</b>	<b><u>170,724</u></b>	<b>\$ <u>172,140</u></b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Examiners of Psychologists. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Examiners of Psychologists. In order to achieve the objectives and service standards established by this Act, the Board of Examiners of Psychologists shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: LICENSURE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	99%	99%
Percent of Licensees Who Renew Online	80%	80%
<b>A.1.1. Strategy: LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Certificates/Licenses Issued to		
Individuals	550	550
Number of Certificates/Licenses Renewed (Individuals)	7,200	7,200
 <b>B. Goal: ENFORCEMENT LAWS &amp; RULES</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Documented Complaints Resolved within Six Months	50%	50%
<b>B.1.1. Strategy: ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Complaints Resolved	210	210
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	235	235
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	225	225

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Examiners of Psychologists in Strategy A.1.1, Licensing, the amounts of \$81,503 in fiscal year 2010 and \$30,641 in fiscal year 2011, in Strategy B.1.1, Enforcement, the amounts of \$84,037 in fiscal year 2010 and \$42,128 in fiscal year 2011, in Strategy C.1.1, Indirect Administration - Licensing, the amounts of \$6,000 in fiscal year 2010 and \$6,000 in fiscal year 2011, and in Strategy C.1.2, Indirect Administration - Enforcement, the amounts of \$3,900 in fiscal year 2010 and \$3,900 in fiscal year 2011 in General Revenue are contingent upon the Board of Examiners of Psychologists assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$300,450 in excess of \$2,518,000 (Object Codes 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above includes 1.5 FTEs in each fiscal year contingent upon the Board of Examiners of Psychologists generating the amount of revenue indicated above. The Board of Examiners of Psychologists, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Examiners of Psychologists' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

## RACING COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
Texas Racing Commission Account No. 597	\$ 10,148,402	\$ 10,148,401
<b>Total, Method of Financing</b>	<u>\$ 10,148,402</u>	<u>\$ 10,148,401</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,065,524	\$ 1,100,224
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	75.5	75.5
<b>Number of FTEs in Riders:</b>	5.0	5.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 2	\$94,090	\$94,090
<b>Items of Appropriation:</b>		
<b>A. Goal: ENFORCE RACING REGULATION</b>		
Enforce Racing Regulations in Texas.		
<b>A.1.1. Strategy: LICENSE/REGULATE RACETRACKS</b> Provide Regulatory and Enforcement Services to Racetrack Owners.	\$ 252,046	\$ 253,188
<b>A.2.1. Strategy: TEXAS BRED INCENTIVE PROGRAM</b> Allocate Texas Bred Funds to Breed Registries. Nontransferable.	\$ 5,092,661	\$ 5,092,661
<b>A.3.1. Strategy: SUPERVISE &amp; CONDUCT LIVE RACES</b> Supervise the Conduct of Racing through Enforcement and Monitoring.	\$ 1,007,337	\$ 1,010,419
<b>A.3.2. Strategy: MONITOR LICENSEE ACTIVITIES</b> Monitor Occupational Licensee Activities.	\$ 434,187	\$ 435,347
<b>A.4.1. Strategy: INSPECT &amp; PROVIDE EMERGENCY CARE</b> Inspect and Provide Emergency Care.	\$ 461,548	\$ 461,888
<b>A.4.2. Strategy: ADMINISTER DRUG TESTS</b>	<u>\$ 396,382</u>	<u>\$ 397,102</u>
<b>Total, Goal A: ENFORCE RACING REGULATION</b>	<u>\$ 7,644,161</u>	<u>\$ 7,650,605</u>
<b>B. Goal: REGULATE PARTICIPATION</b>		
Regulate the Participation in Racing.		
<b>B.1.1. Strategy: OCCUPATIONAL LICENSING PROGRAM</b> Administer the Occupational Licensing Program through Enforcement.	\$ 453,764	\$ 449,684
<b>B.1.2. Strategy: TEXASONLINE</b> TexasOnline. Estimated and Nontransferable.	<u>\$ 23,250</u>	<u>\$ 23,250</u>
<b>Total, Goal B: REGULATE PARTICIPATION</b>	<u>\$ 477,014</u>	<u>\$ 472,934</u>
<b>C. Goal: REGULATE PARI-MUTUEL WAGERING</b>		
Regulate pari-mutuel wagering in Texas.		
<b>C.1.1. Strategy: MONITOR WAGERING AND AUDIT</b> Regulate Pari-mutuel Wagering to Maintain an Honest Racing Industry.	\$ 479,610	\$ 480,630
<b>C.1.2. Strategy: WAGERING COMPLIANCE INSPECTIONS</b> Conduct Wagering Compliance Inspections.	<u>\$ 307,330</u>	<u>\$ 304,850</u>
<b>Total, Goal C: REGULATE PARI-MUTUEL WAGERING</b>	<u>\$ 786,940</u>	<u>\$ 785,480</u>
<b>D. Goal: INDIRECT ADMINISTRATION</b>		
<b>D.1.1. Strategy: CENTRAL ADMIN &amp; OTHER SUPPORT SVCS</b> Central Administration and Other Support Services.	\$ 789,117	\$ 789,917
<b>D.1.2. Strategy: INFORMATION RESOURCES</b>	<u>\$ 451,170</u>	<u>\$ 449,465</u>
<b>Total, Goal D: INDIRECT ADMINISTRATION</b>	<u>\$ 1,240,287</u>	<u>\$ 1,239,382</u>
<b>Grand Total, RACING COMMISSION</b>	<u>\$ 10,148,402</u>	<u>\$ 10,148,401</u>

**RACING COMMISSION**  
(Continued)

**Supplemental Appropriations Made in Riders:** \$ 635,637 \$ 635,637

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 3,987,955	\$ 3,987,955
Other Personnel Costs	162,532	163,514
Professional Fees and Services	204,720	204,720
Consumable Supplies	31,000	31,000
Utilities	26,500	26,500
Travel	346,670	346,670
Rent - Building	108,014	108,014
Rent - Machine and Other	14,500	14,500
Other Operating Expense	419,912	417,667
Grants	5,424,698	5,424,698
Capital Expenditures	<u>57,538</u>	<u>58,800</u>

**Total, Object-of-Expense Informational Listing** \$ 10,784,039 \$ 10,784,038

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 220,077	\$ 223,378
Group Insurance	435,020	469,305
Social Security	270,616	274,675
Benefits Replacement	<u>26,694</u>	<u>25,359</u>

Subtotal, Employee Benefits \$ 952,407 \$ 992,717

**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 952,407 \$ 992,717

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Racing Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Racing Commission. In order to achieve the objectives and service standards established by this Act, the Racing Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: ENFORCE RACING REGULATION</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Investigations (Individuals) Resulting in Disciplinary Action	97%	97%
Percentage of Licensees with No Recent Violations	97%	97%
Percentage of Race Animals Injured or Dismissed from the Racetrack	0.35%	0.35%
<b>A.1.1. Strategy: LICENSE/REGULATE RACETRACKS</b>		
<b>Output (Volume):</b>		
Number of Racetrack Inspections	100	100
<b>Explanatory:</b>		
Number of Horse Tracks Regulated	13	13
Number of Greyhound Tracks Regulated	3	3
<b>A.2.1. Strategy: TEXAS BRED INCENTIVE PROGRAM</b>		
<b>Output (Volume):</b>		
Number of Texas-bred Awards	16,562	16,562
<b>A.3.1. Strategy: SUPERVISE &amp; CONDUCT LIVE RACES</b>		
<b>Output (Volume):</b>		
Number of Occupational Licenses Suspended or Revoked	175	175
<b>A.3.2. Strategy: MONITOR LICENSEE ACTIVITIES</b>		
<b>Output (Volume):</b>		
Number of Investigations Completed	210	210
<b>A.4.1. Strategy: INSPECT &amp; PROVIDE EMERGENCY CARE</b>		
<b>Output (Volume):</b>		
Number of Race Animals Inspected Pre-race	77,860	77,860
<b>B. Goal: REGULATE PARTICIPATION</b>		
<b>Outcome (Results/Impact):</b>		
Average Time Required to Issue a New Occupational License (Minutes)	7	7

**RACING COMMISSION**  
(Continued)

**B.1.1. Strategy:** OCCUPATIONAL LICENSING PROGRAM

**Output (Volume):**

Number of New Occupational Licenses Issued	4,775	4,775
Number of Occupational Licenses Renewed	7,500	7,625

**C. Goal:** REGULATE PARI-MUTUEL WAGERING

**Outcome (Results/Impact):**

Percentage of Compliance Audits Passed	98%	98%
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**C.1.1. Strategy:** MONITOR WAGERING AND AUDIT

**Explanatory:**

Total Pari-mutuel Handle (In Millions)	450.2	463.55
Total Take to the State Treasury from Pari-mutuel		
Wagering on Live and Simulcast Races	4,080,382	3,991,884

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. If a finding of fact is not issued by the Comptroller of Public Accounts to make the contingent appropriation specified in Rider 8, Contingent Appropriation: New Horse Racetrack and Accredited Texas Bred Program, available, the capital budget expenditure and transfer authority provided to the Racing Commission by Article IX, Section 14.03, Limitation on Expenditures - Capital Budget, of this act, only applies to \$32,538 in fiscal year 2010 and \$33,800 in fiscal year 2011 to purchase computer hardware and software. The amount shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase" or for other items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by commission management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Purchase Computer Hardware and Software	\$ 32,538	\$ 33,800
(2) Rider 8 Contingency - New Operational Horse Racetrack	\$ 25,000	\$ 25,000
Total, Acquisition of Information Resource Technologies	\$ 57,538	\$ 58,800
Total, Capital Budget	\$ 57,538	\$ 58,800

Method of Financing (Capital Budget):

General Revenue Fund - Dedicated

GR Dedicated - Texas Racing Commission Account

No. 597	\$ 57,538	\$ 58,800
Subtotal, General Revenue Fund - Dedicated	\$ 57,538	\$ 58,800
Total, Method of Financing	\$ 57,538	\$ 58,800

- 3. Limitation on Travel Reimbursement.** Out of the funds appropriated above, not more than \$1,500 per Commissioner may be expended on out-of-state travel and not more than \$6,000 per Commissioner may be expended on in-state travel in each year of the biennium.
- 4. Appropriation: Unexpended Balances.** Unexpended balances remaining in Racing Commission receipts as of August 31, 2010, are hereby appropriated for the fiscal year beginning September 1, 2010.
- 5. Texas Bred Incentive Program Receipts.** Amounts set aside by the Texas Racing Act for the Texas Bred Incentive Program are appropriated above in Strategy A.2.1, Texas Bred Incentive Program.
- 6. Criminal History Checks and Background Checks.** Out of the funds appropriated above in Strategy B.1.1, Occupational Licensing Program, \$25,000 in fiscal year 2010 and \$25,000 in fiscal year 2011 are appropriated to the Racing Commission for the purpose of reimbursing the Department of Public Safety for costs incurred in conducting criminal history checks or background checks on individuals seeking to transfer ownership interest in an existing racetrack

## RACING COMMISSION

(Continued)

license on Racing Commission license applicants and renewals. Any additional revenue received from occupational license fees to cover the costs of criminal history checks or background checks (estimated to be \$0) is hereby appropriated to the Racing Commission for the purpose of reimbursing the Department of Public Safety.

7. **Texas Bred Incentive Program Awards.** None of the funds appropriated above for Texas Bred Incentive Program Awards may be expended for payments to a member serving on the commission. The Racing Commission shall take all necessary steps to ensure compliance with this provision.

8. **Contingent Appropriation: New Horse Racetrack and Accredited Texas Bred Program.**

- a. In addition to the amounts appropriated above, the Texas Racing Commission shall be appropriated out of funds collected by the agency and deposited to GR Dedicated-Texas Racing Commission Account No. 597 during each fiscal year of the 2010-11 biennium, the following amounts for each new horse racetrack that begins operation for the first time during the biennium (estimated to be one new horse racetrack) contingent upon the Texas Racing Commission assessing fees sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2010-11 biennium, \$370,540 for fiscal year 2010 and \$370,540 for fiscal year 2011 for each new horse racetrack during the 2010-11 biennium in excess of \$9,904,000 in fiscal year 2010 and \$9,772,000 in fiscal year 2011 (Object Codes 3188, 3189, 3190, 3193, 3194, and 3197) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011:

- (1) \$88,561 in Strategy A.3.1, Supervise and Conduct Live Races;
- (2) \$66,893 in Strategy A.3.2, Monitor Licensee Activities;
- (3) \$48,200 in Strategy A.4.1, Inspect and Provide Emergency Care;
- (4) \$27,946 in Strategy A.4.2, Administer Drug Tests;
- (5) \$34,000 in Strategy B.1.1, Occupational Licensing Program;
- (6) \$38,000 in Strategy C.1.1, Monitor Wagering and Audit.

Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated above shall be increased by 5.0 FTEs in each fiscal year for each new horse racetrack that begins operations for the first time during the biennium contingent upon the Texas Racing Commission generating the amount of revenue indicated above for each new horse racetrack. The Texas Racing Commission upon completion of necessary actions to access or increase such additional revenue shall furnish copies of the Texas Racing Commissions' minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purpose.

Also, contingent upon the Texas Racing Commission assessing fees to cover the costs of the regulation of each new horse racetrack, the Texas Racing Commission's Capital Budget authority includes the purchase of computer hardware and software in the amount of \$25,000 each year.

- b. In addition to amounts appropriated above in GR Dedicated - Texas Racing Commission Account No. 597, the Texas Racing Commission shall be appropriated in Strategy A.2.1, Texas Bred Incentive Program, revenue set aside by the Texas Racing Act pursuant to VTCS, Article 179e § 6.08 (j) for the Texas Bred Incentive Program that is collected by the agency from each new horse racetrack that begins operations for the first time in the 2010-11 biennium in an amount not to exceed \$332,037 from GR Dedicated - Texas Racing Commission Account No. 597 each year for each new horse racetrack. Any appropriations from revenue collected by the agency from new horse racetracks for the Texas Bred Incentive Program during the 2010-11 biennium may be used only for that purpose and are not transferable to any other strategy.
9. **Contingent Appropriation: New Racetrack Application.** All fees collected to cover the cost of the racetrack application process, in excess of the \$15,000 in each fiscal year from GR Dedicated - Texas Racing Commission Account No. 597 (Object Code 3191) in the Comptroller's Biennial Revenue Estimate (estimated to be \$0 each fiscal year), are hereby appropriated to Strategy A.1.1, License and Regulate Racetracks. Any appropriations from revenue collected by the agency from new racetrack applications shall be used only for the racetrack application review process for those



## RACING COMMISSION (Continued)

racetracks that have a scheduled hearing before the State Office of Administrative Hearing or the Texas Racing Commission during the 2010-11 biennium and are not transferable to any other strategy.

- 10. Sunset Contingency.**<sup>1</sup> Funds appropriated above for fiscal year 2011 for the Racing Commission are made contingent on the continuation of the Racing Commission by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.
- 11. Contingent Revenue.** Out of the amounts appropriated above to the Racing Commission in Strategy A.2.1, Texas Bred Incentive Program, the amounts of \$3,657 in fiscal year 2010 and \$3,657 in fiscal year 2011, Strategy A.3.1, Supervise and Conduct Live Races, the amounts of \$4,496 in fiscal year 2010 and \$4,496 in fiscal year 2011, Strategy B.1.1, Occupational Licensing Program, the amounts of \$2,620 in fiscal year 2010 and \$2,620 in fiscal year 2011, and Strategy C.1.1, Monitor Wagering and Audit, the amounts of \$2,095 in fiscal year 2010 and \$2,095 in fiscal year 2011 in General Revenue Dedicated Texas Racing Commission Account No. 597 are contingent upon the Racing Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$15,500 in excess of \$9,904,000 in fiscal year 2010 and \$15,500 in excess of \$9,772,000 in fiscal year 2011 (Object Code 3188, 3189, 3190, 3193, 3194, and 3197), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate. The Racing Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Racing Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- 12. Contingency for SB 1013.**<sup>2</sup> Contingent on the enactment of Senate Bill 1013, or similar legislation, relating to the continuation and functions of the Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research, amending the Texas Racing Act, Section 3.09, by the Eighty-first Legislature, Regular Session:

  - a. the Racing Commission, subject to prior approval by the Legislative Budget Board, shall be appropriated \$1,500,000 in fiscal year 2010 from General Revenue and shall have appropriations in the amount of \$1,500,000 from the General Revenue Dedicated Texas Racing Commission Account No. 597 decreased in fiscal year 2010;
  - b. the revenue amounts included in rider 8, Contingent Appropriation: New Horse Racetrack and Accredited Texas Bred Program, and rider 11, Contingent Revenue, subject to prior approval by the Legislative Budget Board, shall be decreased by \$1,500,000 in fiscal year 2010; and
  - c. the Legislative Budget Board shall notify the Racing Commission and the Comptroller of Public Accounts of either its approval or disapproval no later than October 1, 2009.

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<sup>1</sup> Article IX, § 17.48, of this Act, resulted in Rider 10, Sunset Contingency, not taking effect. In addition, SB 2, 81<sup>st</sup> Legislature, First Called Session, was enacted which continues the Racing Commission through September 1, 2011.

<sup>2</sup> SB 1013, 81<sup>st</sup> Legislature, Regular Session, did not pass, resulting in no General Revenue increase of \$1,500,000 or General Revenue-Dedicated decrease of \$1,500,000 made to the Racing Commission.

## REAL ESTATE COMMISSION

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 8,013,351	\$ 8,131,234
GR Dedicated - Appraiser Registry Account No. 028	120,000	120,000
<u>Other Funds</u>		
Appropriated Receipts	186,500	186,500
Real Estate Recovery Trust Fund	3,500	3,500
Real Estate Inspection Trust Fund	500	500
Subtotal, Other Funds	\$ 190,500	\$ 190,500
<b>Total, Method of Financing</b>	<b>\$ 8,323,851</b>	<b>\$ 8,441,734</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,449,875	\$ 1,501,566
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	110.5	110.5
<b>Schedule of Exempt Positions:</b>		
Administrator, Group 4	\$106,500	\$106,500
<b>Items of Appropriation:</b>		
<b>A. Goal: ENSURE STANDARDS</b>		
Determine the Eligibility of TREC Applicants for Licensure.		
<b>A.1.1. Strategy: TREC LICENSING</b> Review Apps, Perform Criminal Checks, Administer Exams, Issue Licenses.	\$ 2,479,853	\$ 3,000,562
<b>A.1.2. Strategy: TEXASONLINE</b> TexasOnline. Estimated and Nontransferable.	\$ 322,000	\$ 322,000
<b>Total, Goal A: ENSURE STANDARDS</b>	\$ 2,801,853	\$ 3,322,562
<b>B. Goal: ENFORCE REGULATIONS</b>		
Promptly, Aggressively, and Fairly Enforce TREC Laws and Rules.		
<b>B.1.1. Strategy: TREC INVESTIGATION</b> Investigate and Resolve Valid Complaint Cases.	\$ 1,785,342	\$ 1,780,382
<b>C. Goal: PROVIDE EDUCATION</b>		
To Communicate Effectively with the Public and Licensees.		
<b>C.1.1. Strategy: LICENSEE/CONSUMER EDUCATION</b> Prepare and Distribute Information Describing TREC Functions.	\$ 828,606	\$ 859,777
<b>D. Goal: LICENSING APPRAISERS</b>		
Implement and Enforce TALCB and Standards.		
<b>D.1.1. Strategy: TALCB LICENSING</b> Process Applications and License Applicants.	\$ 496,847	\$ 356,723
<b>D.2.1. Strategy: TALCB ENFORCEMENT</b> Investigate and Resolve Complaints; Impose Penalties as Appropriate.	\$ 637,826	\$ 602,510
<b>Total, Goal D: LICENSING APPRAISERS</b>	\$ 1,134,673	\$ 959,233
<b>E. Goal: INDIRECT ADMINISTRATION</b>		
<b>E.1.1. Strategy: INDIRECT ADMINISTRATION</b>	\$ 1,773,377	\$ 1,519,780
<b>Grand Total, REAL ESTATE COMMISSION</b>	<b>\$ 8,323,851</b>	<b>\$ 8,441,734</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 4,753,404	\$ 4,753,404
Other Personnel Costs	155,233	168,633
Professional Fees and Services	84,900	85,100
Consumable Supplies	75,000	75,000

**REAL ESTATE COMMISSION**  
(Continued)

Utilities	47,900	44,900
Travel	96,000	96,000
Rent - Building	445,747	445,747
Rent - Machine and Other	41,700	41,700
Other Operating Expense	1,934,267	2,716,550
Capital Expenditures	689,700	14,700

<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 8,323,851</b>	<b>\$ 8,441,734</b>
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 236,756	\$ 240,308
Group Insurance	707,015	768,402
Social Security	319,094	323,881
Benefits Replacement	26,025	24,724

Subtotal, Employee Benefits	\$ 1,288,890	\$ 1,357,315
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 1,288,890</b>	<b>\$ 1,357,315</b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Real Estate Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Real Estate Commission. In order to achieve the objectives and service standards established by this Act, the Real Estate Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: ENSURE STANDARDS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	99%	99%
Percent of Licensees Who Renew Online	82%	82%
Percent of New Licenses Issued Online	73%	73%
<b>A.1.1. Strategy: TREC LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	20,000	20,000
Number of Licenses Renewed (Individuals)	60,000	60,000
<b>Efficiencies:</b>		
Average Time for Individual License Issuance (Days)	40	40
Percentage of New Individual Licenses Issued Within Ten Days	95%	95%
Percentage of Individual License Renewals Issued within Seven Days	95%	95%
<b>B. Goal: ENFORCE REGULATIONS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Documented Complaints Resolved Within Six Months	85%	85%
<b>B.1.1. Strategy: TREC INVESTIGATION</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	2,240	2,240
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	135	135
<b>C. Goal: PROVIDE EDUCATION</b>		
<b>C.1.1. Strategy: LICENSEE/CONSUMER EDUCATION</b>		
<b>Output (Volume):</b>		
Number of Calls Received	400,000	400,000
<b>D. Goal: LICENSING APPRAISERS</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Licensed or Certified Appraisers with No Recent Violations	99%	99%
Percent of Licensees Who Renew Online	65%	65%
Percent of Documented Complaints Resolved Within Six Months	60%	65%
<b>D.1.1. Strategy: TALCB LICENSING</b>		
<b>Output (Volume):</b>		
Number of New Licenses/Certifications/Registrations Issued to Individuals	600	600

**REAL ESTATE COMMISSION**  
(Continued)

Number of Licenses and Certifications Renewed (Individuals)	2,500	2,500
<b>D.2.1. Strategy: TALCB ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	300	330
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	300	240

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by commission management to be in the best interest of the State of Texas.

	<u>2010</u>	<u>2011</u>
a. Acquisition of Information Resource Technologies		
(1) Core Application Conversion	\$ 275,000	\$ 0
(2) Image System Implementation	196,000	0
(3) TALCB Licensee automation	150,000	0
 Total, Acquisition of Information Resource Technologies	 \$ <u>621,000</u>	 \$ <u>0</u>
b. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
(1) Lease Payments for (MLPP) for Enterprise Server Acquisition	54,000	0
(2) Upgrade Obsolete Telephone System	14,700	14,700
 Total, Other Lease Payments to the Master Lease Purchase Program (MLPP)	 \$ <u>68,700</u>	 \$ <u>14,700</u>
 Total, Capital Budget	 \$ <u><u>689,700</u></u>	 \$ <u><u>14,700</u></u>
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 689,700	\$ 14,700
 Total, Method of Financing	 \$ <u><u>689,700</u></u>	 \$ <u><u>14,700</u></u>

- 3. Appropriation of Residential Service Company Examination Fees.** In addition to the funds appropriated above (\$5,500 each year of the biennium), all monies collected pursuant to §1303.052 (c), Occupations Code, are hereby appropriated to the Texas Real Estate Commission for the purposes of conducting examinations and related activities included within Strategy B.1.1, TREC Investigation.
- 4. Appropriation of Receipts: National Registry Fees.** Fee revenue deposited to the Appraiser Registry Account No. 028, in the General Revenue Fund pursuant to § 1103.156, Occupations Code, including the estimated amounts appropriated above, \$120,000 in fiscal year 2010 and \$120,000 in fiscal year 2011, is hereby appropriated to the Texas Appraiser Licensing and Certification Board, as an independent subdivision of the Texas Real Estate Commission. The appropriation made herein shall be expended only for the purpose specified in § 1103.156, Occupations Code, relating to revenue transmitted to the federal Appraisal Subcommittee.
- 5. Real Estate Recovery Fund and Inspection Recovery Fund.** The amounts appropriated above include an estimated total of \$4,000 per year from the Real Estate Recovery Trust Fund and the Real Estate Inspection Trust Fund to recover travel and related expenses incurred for collection of court judgments affecting the funds.

**REAL ESTATE COMMISSION**  
(Continued)

- 6. Reimbursement of Advisory Committee Members.** Pursuant to Government Code § 2110.004, reimbursement of expenses for advisory committee members, out of amounts appropriated above, is limited to the following advisory committees: Texas Real Estate Broker-Lawyer Committee and the Texas Real Estate Inspector Committee.
- 7. Contingent Revenue.** Out of the amounts appropriated above to the Texas Real Estate Commission, in Strategy A.1.1, TREC Licensing, the amounts of \$43,479 in fiscal year 2010 and \$343,479 in fiscal year 2011, in Strategy B.1.1, TREC Investigation, the amounts of \$93,876 in fiscal year 2010 and \$85,016 in fiscal year 2011, in Strategy C.1.1, Licensee/Consumer Education, the amounts of \$36,616 in fiscal year 2010 and \$36,616 in fiscal year 2011, in Strategy D.1.1, TALCB Licensing, the amounts of \$11,451 in fiscal year 2010 and \$61,451 in fiscal year 2011, in Strategy D.2.1, TALCB Enforcement, the amounts of \$197,739 in fiscal year 2010 and \$162,299 in fiscal year 2011, in Strategy E.1.1, Indirect Administration, the amounts of \$59,743 in fiscal year 2010 and \$59,743 in fiscal year 2011 in General Revenue are contingent upon the Texas Real Estate Commission assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$1,408,984 in excess of \$18,372,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 5.0 FTEs in each fiscal year contingent upon the Texas Real Estate Commission generating the amount of revenue indicated above. The Texas Real Estate Commission, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Texas Real Estate Commission's minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**RESIDENTIAL CONSTRUCTION COMMISSION<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 8,991,102	\$ 0
Appropriated Receipts	4,000	0
<b>Total, Method of Financing</b>	<b>\$ 8,995,102</b>	<b>\$ 0</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 962,215	\$ 0
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	80.0	0.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 3	\$98,000	\$0
<b>Items of Appropriation:</b>		
<b>A. Goal: REGISTRATION</b>		
Ensure Effective Supervision of Residential Construction/Remodeling.		
<b>A.1.1. Strategy: REGISTRATION PROGRAM</b>	\$ 1,942,958	\$ 0
Implement and Monitor the Registration Program.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 350,000	\$ 0
TexasOnline. Estimated and Nontransferable.		
<b>Total, Goal A: REGISTRATION</b>	<b>\$ 2,292,958</b>	<b>\$ 0</b>

<sup>1</sup> HB 2295, 81<sup>st</sup> Legislature, Regular Session, or similar legislation providing for the continuation of the agency did not pass. The Governor vetoed the FY 2011 appropriations. See the Governor's Veto Proclamation. See also Rider 4, Sunset Contingency.

**RESIDENTIAL CONSTRUCTION COMMISSION**  
(Continued)

**B. Goal: COMPLAINT RESOLUTION & COMPLIANCE**  
Complaint Resolution and Compliance.

<b>B.1.1. Strategy:</b> COMPLAINT RESOLUTION Implement and Monitor the SIRP Process.	\$ 2,499,559	\$ 0
<b>B.1.2. Strategy:</b> PERFORMANCE STANDARDS & WARRANTIES Develop Performance Standards and Warranties for Review.	\$ 1,783,595	\$ 0
<b>B.1.3. Strategy:</b> THIRD-PARTY INSPECTIONS Third-party Inspections. Estimated and Nontransferable.	<u>\$ 400,000</u>	<u>\$ 0</u>

<b>Total, Goal B: COMPLAINT RESOLUTION &amp; COMPLIANCE</b>	<u>\$ 4,683,154</u>	<u>\$ 0</u>
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**C. Goal: INDUSTRY & CONSUMER EDUCATION**  
Provide Information for Industry & Consumers.

<b>C.1.1. Strategy:</b> EDUCATION Implement an Education Program for Industry and Consumers.	\$ 929,827	\$ 0
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**D. Goal: INDIRECT ADMINISTRATION**  
Indirect Administration and Support.

<b>D.1.1. Strategy:</b> INDIRECT ADMINISTRATION Indirect Administration and Support.	\$ 1,089,163	\$ 0
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<b>Grand Total, RESIDENTIAL CONSTRUCTION COMMISSION</b>	<u>\$ 8,995,102</u>	<u>\$ 0</u>
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 3,757,008	\$ 0
Other Personnel Costs	68,000	0
Professional Fees and Services	1,299,518	0
Consumable Supplies	70,000	0
Utilities	60,500	0
Travel	243,000	0
Rent - Building	471,300	0
Rent - Machine and Other	432,600	0
Other Operating Expense	2,569,176	0
Capital Expenditures	<u>24,000</u>	<u>0</u>

<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 8,995,102</u>	<u>\$ 0</u>
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**Estimated Allocations for Employee Benefits and Debt  
Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 139,572	\$ 0
Group Insurance	229,188	0
Social Security	185,942	0
Benefits Replacement	<u>8,039</u>	<u>0</u>

Subtotal, Employee Benefits	<u>\$ 562,741</u>	<u>\$ 0</u>
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Debt Service

Lease Payments	<u>\$ 5,987</u>	<u>\$ 0</u>
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<u>\$ 568,728</u>	<u>\$ 0</u>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Residential Construction Commission. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Residential Construction Commission. In order to achieve the objectives and service standards established by this Act, the Residential Construction Commission shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

**RESIDENTIAL CONSTRUCTION COMMISSION**  
(Continued)

	2010	2011
<b>A. Goal: REGISTRATION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Registrants Who Renew Online	60%	0%
Percent of Home Registrations Completed Online	86%	0%
<b>A.1.1. Strategy: REGISTRATION PROGRAM</b>		
<b>Output (Volume):</b>		
Number of Home Registrations Issued	130,000	0
Number of New Builder/Remodeler Registrations Issued	2,000	0
Number of Registrations Renewed	13,000	0
<b>B. Goal: COMPLAINT RESOLUTION &amp; COMPLIANCE</b>		
<b>B.1.1. Strategy: COMPLAINT RESOLUTION</b>		
<b>Output (Volume):</b>		
Total Number of SIRP Actions Closed	600	0
<b>Efficiencies:</b>		
Average Days to Complete the SIRP	130	0
<b>Explanatory:</b>		
Total Number of Complaints Received	2,500	0
Number of Non-jurisdictional Complaints	450	0
Number of SIRP Requests Received	650	0
<b>C. Goal: INDUSTRY &amp; CONSUMER EDUCATION</b>		
<b>C.1.1. Strategy: EDUCATION</b>		
<b>Output (Volume):</b>		
Total Number of Events with TRCC Participation	40	0

2. **Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Scheduled Replacement of IT Items	\$ 24,000	\$ 0
Total, Capital Budget	\$ 24,000	\$ 0
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 24,000	\$ 0
Total, Method of Financing	\$ 24,000	\$ 0

3. **Builder/Remodeler Registration Applications.** It is the intent of the Legislature that the Residential Construction Commission thoroughly investigate each builder or remodeler registration application in its efforts to be satisfied with the person's honesty, trustworthiness and integrity pursuant to Property Code § 416.005(2).
4. **Sunset Contingency.** Funds appropriated above for fiscal year 2011 for the Texas Residential Construction Commission are made contingent on the continuation of the Texas Residential Construction Commission by the Eighty-first Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2010 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.

## SECURITIES BOARD

	For the Years Ending August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 7,851,340	\$ 7,871,716
<b>Total, Method of Financing</b>	<u>\$ 7,851,340</u>	<u>\$ 7,871,716</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 1,429,322	\$ 1,442,726
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	109.0	109.0
<b>Schedule of Exempt Positions:</b>		
Securities Commissioner, Group 5	\$130,000	\$130,000
<b>Items of Appropriation:</b>		
<b>A. Goal: PROTECT INVESTORS</b>		
Protect Investors and Assure Access to Capital for Business.		
<b>A.1.1. Strategy: LAW ENFORCEMENT</b>	\$ 2,719,117	\$ 2,728,491
Investigate Violations, Coordinate Appropriate Action by Authorities.		
<b>A.2.1. Strategy: SECURITIES REGISTRATION</b>	\$ 526,645	\$ 527,256
Review Security Documentation for Conformity.		
<b>A.3.1. Strategy: DEALER REGISTRATION</b>	\$ 597,108	\$ 597,923
Perform Extensive Review of Applications and Submissions.		
<b>A.4.1. Strategy: INSPECT RECORDS</b>	<u>\$ 1,617,608</u>	<u>\$ 1,624,536</u>
Inspect Dealer & Investment Adviser Records for Regulatory Compliance.		
<b>Total, Goal A: PROTECT INVESTORS</b>	<u>\$ 5,460,478</u>	<u>\$ 5,478,206</u>
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 1,257,604	\$ 1,260,252
<b>B.1.2. Strategy: INFORMATION TECHNOLOGY</b>	<u>\$ 199,186</u>	<u>\$ 199,186</u>
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	<u>\$ 1,456,790</u>	<u>\$ 1,459,438</u>
<b>C. Goal: REGULATORY RESPONSE</b>		
<b>C.1.1. Strategy: CONTINGENCY REGULATORY RESPONSE</b>	\$ 934,072	\$ 934,072
Contingency Appropriation.		
<b>Grand Total, SECURITIES BOARD</b>	<u>\$ 7,851,340</u>	<u>\$ 7,871,716</u>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 6,674,526	\$ 6,703,436
Other Personnel Costs	135,357	135,357
Professional Fees and Services	58,288	58,288
Consumable Supplies	38,228	38,228
Utilities	27,585	27,585
Travel	275,886	306,518
Rent - Building	171,011	171,011
Rent - Machine and Other	19,467	19,467
Other Operating Expense	345,807	322,051
Capital Expenditures	<u>105,185</u>	<u>89,775</u>
<b>Total, Object-of-Expense Informational Listing</b>	<u>\$ 7,851,340</u>	<u>\$ 7,871,716</u>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 307,050	\$ 311,656
Group Insurance	654,503	709,323
Social Security	370,671	376,231



**SECURITIES BOARD**  
(Continued)

Benefits Replacement	26,246	24,934
Subtotal, Employee Benefits	\$ 1,358,470	\$ 1,422,144
<u>Debt Service</u>		
Lease Payments	\$ 71,745	\$ 33,651
<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 1,430,215</b>	<b>\$ 1,455,795</b>

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Securities Board. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Securities Board. In order to achieve the objectives and service standards established by this Act, the Securities Board shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal: PROTECT INVESTORS</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Texas Dealers and Investment Advisers Inspected	20%	20%
Percentage of Inspected Dealers and Investment Advisers Found to Require Corrective Action	80%	80%
<b>A.1.1. Strategy: LAW ENFORCEMENT</b>		
<b>Output (Volume):</b>		
Number of Investigations Opened	370	370
<b>A.2.1. Strategy: SECURITIES REGISTRATION</b>		
<b>Output (Volume):</b>		
Number of Securities Filings and Submissions Processed	53,000	53,000
<b>Explanatory:</b>		
Revenues Deposited to the State Treasury from Securities Applications	117,451,876	119,800,913
<b>A.3.1. Strategy: DEALER REGISTRATION</b>		
<b>Output (Volume):</b>		
Number of New Applications Processed	56,000	56,000
<b>Explanatory:</b>		
Number of Dealers, Agents, Investment Advisers, and Investment Adviser Representatives Registered	210,000	210,000
<b>A.4.1. Strategy: INSPECT RECORDS</b>		
<b>Output (Volume):</b>		
Number of Inspections Conducted	225	225

- 2. Capital Budget.** None of the funds appropriated may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Purchase of Information Technologies	\$ 89,775	\$ 89,775
Total, Capital Budget	\$ 89,775	\$ 89,775
Method of Financing (Capital Budget):		
General Revenue Fund	\$ 89,775	\$ 89,775
Total, Method of Financing	\$ 89,775	\$ 89,775

- 3. Appropriation of Unexpended Balances Within the Biennium.** The unobligated and unexpended balances of appropriations to the Securities Board for the fiscal year ending August 31, 2010, are hereby appropriated to the Securities Board for the same purposes for the fiscal year ending August 31, 2011.

## SECURITIES BOARD

(Continued)

4. **Out-of-State Travel Cap Exemption.** Out of the funds appropriated above, expenditures for out-of-state travel by the Securities Board are limited to \$5,300 in fiscal year 2010 and \$5,300 in fiscal year 2011. Travel related to regulatory matters, including examinations, inspections and the training of financial examiners, inspectors, investigators, attorneys and related directors is exempt from this limitation.
5. **Contingent Revenue.** Out of the amounts appropriated above to the Securities Board in Strategy A.1.1, Law Enforcement, the amounts of \$327,306 in fiscal year 2010 and \$336,680 in fiscal year 2011, in Strategy A.2.1, Securities Registration, the amounts of \$54,188 in fiscal year 2010 and \$54,799 in fiscal year 2011, in Strategy A.3.1, Dealer Registration, the amounts of \$65,594 in 2010 and \$66,409 in 2011, in Strategy A.4.1, Inspect Records, the amounts of \$518,750 in 2010 and \$525,678 in 2011, in Strategy B.1.1, and in Central Administration, \$45,723 in 2010 and \$48,371 in 2011 in General Revenue are contingent upon the Securities Board assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$2,594,920 in excess of \$255,094,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Securities Board generating the amount of revenue indicated above. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
6. **Contingency Appropriation: State Regulatory Response.**
  - a. Amounts appropriated above to the Securities Board not to exceed \$934,072 each fiscal year in General Revenue in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are contingent upon a finding of fact by the Securities Board that additional resources are needed by the Securities Board because:
    - (1) the number of inspections required of state regulated dealers and investment advisers under the jurisdiction of the Securities Board, increase to a point where additional appropriations are required to maintain adequate regulation of the industry;
    - (2) federal regulatory oversight applied to issuers, dealers and investment advisers has been reduced; or
    - (3) the Securities Board is unable to maintain adequate supervision of the industry and is unable to meet its examination frequency performance measures due to reductions in the quality or quantity of its examination staff, resulting either from examiner turnover, or an inability to recruit adequately qualified examiners because of salary levels, or the salary is at a level that is not competitive and is less than 95 percent of a comparable position with a state or federal regulatory agency with similar responsibilities considering the experience, knowledge, and skill sets required to undertake the requirements of a particular position.
  - b. None of the funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, above may be expended and none of the 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may be used by the Securities Board unless the Securities Board files a finding of fact with the Governor and the Legislative Budget Board and neither the Governor nor the Legislative Budget Board issues a written disapproval not later than:
    - (1) the 10th day after the date the staff of the Legislative Budget Board concludes its review of the findings of fact and forwards those findings of fact along with the conclusions or comments of the Legislative Budget Board staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and
    - (2) within 10 business days of the receipt of the finding of fact by the Governor.

## SECURITIES BOARD

(Continued)

- c. The appropriations above in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" are also contingent upon the Securities Board assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this act, during the 2010-11 biennium, \$1,152,818 in fiscal year 2010 and \$1,161,078 in fiscal year 2011 in excess of \$127,547,000 each fiscal year (Object Code 3175) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for each fiscal year 2010 and 2011. The Securities Board, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Securities Board minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- d. Funds appropriated above in Strategy C.1.1, Contingency Regulatory Response, and 10.0 Full-Time-Equivalents (FTE) positions each fiscal year included above in the "Number of Full-Time-Equivalents (FTE)" may only be used to address issues included in the finding of fact submitted to the Governor and the Legislative Budget Board pursuant to subsection (b) above.
- e. Notwithstanding transfer limits under Section 14.01, Article IX of this Act, at the discretion of the agency, amounts appropriated above may be transferred to another appropriation item in an amount not to exceed \$934,072 each fiscal year in General Revenue in Strategy C.1.1.

### BOARD OF TAX PROFESSIONAL EXAMINERS<sup>1</sup>

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 192,763	\$ 0
<b>Total, Method of Financing</b>	<u>\$ 192,763</u>	<u>\$ 0</u>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 84,768	\$ 0
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	3.7	0.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 1	\$70,000	\$0
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> ESTABLISH AND OVERSEE PROCESS Maintain Registration & Certification Process and Enforce Statute.		
<b>A.1.1. Strategy:</b> CERTIFICATION PROGRAM Conduct Exams, Register Candidates, Manage CE Program, Distribute Info.	\$ 169,763	\$ 0
<b>A.1.2. Strategy:</b> TEXASONLINE TexasOnline. Estimated and Nontransferable.	\$ 16,250	\$ 0

<sup>1</sup> Incorporates Article IX, § 17.59, of this Act, due to the enactment of HB 2447, 81<sup>st</sup> Legislature, Regular Session, relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Department of Licensing and Regulation, resulting in a decrease in General Revenue Funds of \$192,763 and 3.7 FTEs in FY 2011. For FY 2010, all unexpended funds and FTEs appropriated to the Board of Tax Professional Examiners will be transferred to the Department of Licensing and Regulation by March 1, 2010. All riders and performance measures associated with the transfer of functions have been transferred to the Department of Licensing and Regulation.

**BOARD OF TAX PROFESSIONAL EXAMINERS**  
(Continued)

<b>A.1.3. Strategy:</b> INDIRECT ADMINISTRATION	\$ 6,750	\$ 0
<b>Total, Goal A:</b> ESTABLISH AND OVERSEE PROCESS	\$ 192,763	\$ 0
<b>Grand Total,</b> BOARD OF TAX PROFESSIONAL EXAMINERS	\$ 192,763	\$ 0

**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 138,408	\$ 0
Professional Fees and Services	15,000	0
Consumable Supplies	2,000	0
Travel	6,800	0
Rent - Building	250	0
Rent - Machine and Other	3,600	0
Other Operating Expense	24,905	0
Capital Expenditures	1,800	0
<b>Total, Object-of-Expense Informational Listing</b>	\$ 192,763	\$ 0

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 19,099	\$ 0
Group Insurance	35,628	0
Social Security	9,926	0
Benefits Replacement	927	0
Subtotal, Employee Benefits	\$ 65,580	\$ 0

Debt Service

Lease Payments	\$ 4,489	\$ 0
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act**

	\$ 70,069	\$ 0
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Tax Professional Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Tax Professional Examiners. In order to achieve the objectives and service standards established by this Act, the Board of Tax Professional Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	2010	2011
<b>A. Goal:</b> ESTABLISH AND OVERSEE PROCESS		
<b>Outcome (Results/Impact):</b>		
Percent of Licensees with No Recent Violations	99%	0%
Number of Approved Courses Offered	160	0
Percent of Complaints Resulting in Disciplinary Action	13%	0%
<b>A.1.1. Strategy:</b> CERTIFICATION PROGRAM		
<b>Output (Volume):</b>		
Number of Persons Certified/Recertified	485	0
Number of New Licenses Issued to Individuals	450	0
Number of Course, Sponsor and Instructor Applications Processed	20	0
Number of Complaints Resolved	12	0
<b>Efficiencies:</b>		
Average Licensing Cost per Individual License Issued	38.65	0
<b>Explanatory:</b>		
Total Number of Individuals Licensed	4,000	0



**PUBLIC UTILITY COMMISSION OF TEXAS**

(Continued)

**B. Goal: EDUCATION AND CUSTOMER ASSISTANCE**

Educate Customers and Assist Customers.

<b>B.1.1. Strategy: PROVIDE FACTS ABOUT CHANGES</b>	\$ 1,187,240	\$ 1,177,438
Provide Information about Changes in Electric and Telecom Industries.		

<b>B.2.1. Strategy: ASSIST CUSTOMERS</b>	\$ 529,333	\$ 524,977
Assist Customers in Resolving Disputes.		

<b>Total, Goal B: EDUCATION AND CUSTOMER ASSISTANCE</b>	\$ 1,716,573	\$ 1,702,415
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**C. Goal: ELECTRIC UTILITY RESTRUCTURING**

<b>C.1.1. Strategy: ENERGY ASSISTANCE</b>	\$ 119,570,603	\$ 132,291,594
Energy Assistance. Nontransferable.		

<b>C.1.2. Strategy: CONSUMER EDUCATION</b>	\$ 750,000	\$ 750,000
Customer Education. Nontransferable.		

<b>Total, Goal C: ELECTRIC UTILITY RESTRUCTURING</b>	\$ 120,320,603	\$ 133,041,594
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**D. Goal: INDIRECT ADMINISTRATION**

<b>D.1.1. Strategy: CENTRAL ADMINISTRATION</b>	\$ 1,248,803	\$ 1,236,823
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<b>D.1.2. Strategy: INFORMATION RESOURCES</b>	\$ 567,638	\$ 578,544
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<b>D.1.3. Strategy: OTHER SUPPORT SERVICES</b>	\$ 113,527	\$ 112,438
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<b>Total, Goal D: INDIRECT ADMINISTRATION</b>	\$ 1,929,968	\$ 1,927,805
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<b>Grand Total, PUBLIC UTILITY COMMISSION OF TEXAS</b>	\$ 133,877,833	\$ 146,506,264
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**Object-of-Expense Informational Listing:**

Salaries and Wages	\$ 10,539,457	\$ 10,539,457
Other Personnel Costs	402,500	402,500
Professional Fees and Services	3,904,423	3,842,652
Consumable Supplies	60,000	60,000
Utilities	23,260	23,260
Travel	70,000	50,000
Rent - Building	10,000	10,000
Rent - Machine and Other	400,000	400,000
Other Operating Expense	830,590	866,801
Client Services	117,637,603	130,311,594

<b>Total, Object-of-Expense Informational Listing</b>	\$ 133,877,833	\$ 146,506,264
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**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 653,065	\$ 662,861
Group Insurance	1,202,372	1,297,013
Social Security	793,146	805,043
Benefits Replacement	54,425	51,704

Subtotal, Employee Benefits	\$ 2,703,008	\$ 2,816,621
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Debt Service

Lease Payments	\$ 47,971	\$ 45,136
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	\$ 2,750,979	\$ 2,861,757
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Public Utility Commission of Texas. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Public Utility Commission of Texas. In order to achieve the objectives and service standards established by this Act, the Public Utility Commission of Texas shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

**PUBLIC UTILITY COMMISSION OF TEXAS**  
(Continued)

	<u>2010</u>	<u>2011</u>
<b>A. Goal: COMPETITION/CHOICE/RATES/SERVICE</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Texas Cities Served by Three or More Certificated Telecommunication Providers	82%	81%
Average Price of Electricity Per kWh in Texas for Residential Customers from Competitive Suppliers as a Percentage of the National Residential Average	121%	119%
Average Annual Residential Electric Bill from Competitive Suppliers as a Percentage of the National Average	150%	148%
Average Annual Residential Telephone Bill in Texas as a Percentage of the National Average	73%	73%
<b>A.1.1. Strategy: MARKET COMPETITION</b>		
<b>Output (Volume):</b>		
Number of Investigations Conducted for Market Power, Market Design, or Anti-competitive Conduct in the Electric Market	1	1
Number of Investigations Conducted for Market Power, Market Design, or Anti-competitive Conduct in the Telephone Market	1	1
Number of Cases Completed Related to Competition Among Providers	450	450
<b>Efficiencies:</b>		
Average Number of Days to Process an Application for a Certificate of Authority and Service Provider Certificate of Authority	52	52
<b>A.2.1. Strategy: UTILITY REGULATION</b>		
<b>Output (Volume):</b>		
Number of Rate Cases Completed for Regulated Electric Utilities	30	30
Number of Rate Cases Completed for Regulated Telecommunications Providers	9	9
<b>Efficiencies:</b>		
Average Number of Days to Process a Major Rate Case for a Transmission and Distribution Utility	220	220
<b>B. Goal: EDUCATION AND CUSTOMER ASSISTANCE</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Customer Complaints Resolved through Informal Complaint Resolution Process	99%	99%
<b>B.1.1. Strategy: PROVIDE FACTS ABOUT CHANGES</b>		
<b>Output (Volume):</b>		
Number of Information Requests to Which Responses Were Provided	80,000	85,000
<b>Efficiencies:</b>		
Percent of Customer Information Product Distributed Electronically	75%	75%
<b>Explanatory:</b>		
Number of Calls Completed through Relay Texas	1,700,000	1,700,000
<b>B.2.1. Strategy: ASSIST CUSTOMERS</b>		
<b>Output (Volume):</b>		
Number of Customer Complaints Concluded	15,000	15,000
<b>Efficiencies:</b>		
Average Number of Days to Conclude Customer Complaints	24	24
<b>C. Goal: ELECTRIC UTILITY RESTRUCTURING</b>		
<b>Outcome (Results/Impact):</b>		
Percent of Eligible Low-income Customers Provided a Discount for Electric Service	93%	93%

- 2. Capital Budget.** None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with a "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103. Upon approval from the Legislative Budget Board, capital budget funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by commission management to be in the best interest of the State of Texas.

**PUBLIC UTILITY COMMISSION OF TEXAS**  
(Continued)

	2010	2011
a. Acquisition of Information Resource Technologies		
(1) Digital Copiers Lease	\$ 160,000	\$ 160,000
(2) Desktop Software and Desktop Computer Lease	240,000	240,000
(3) Data Center Consolidation	<u>\$ 479,000</u>	<u>\$ 386,440</u>
 Total, Acquisition of Information Resource Technologies	 <u>\$ 879,000</u>	 <u>\$ 786,440</u>
 Total, Capital Budget	 <u>\$ 879,000</u>	 <u>\$ 786,440</u>
 Method of Financing (Capital Budget):		
General Revenue Fund	\$ 879,000	\$ 786,440
 Total, Method of Financing	 <u>\$ 879,000</u>	 <u>\$ 786,440</u>

3. **Transfer Authority.** The Public Utility Commission shall not transfer an appropriation to or from any item under Goal C: Electric Utility Restructuring, and shall not expend amounts above those appropriated above in each strategy of Goal C: Electric Utility Restructuring.
4. **System Benefit Account Reporting.** The Public Utility Commission shall submit a quarterly report to the Legislative Budget Board and the Governor on revenues and expenditures made from the GR Dedicated - System Benefit Account No. 5100. The report shall be submitted with documentation as specified by the Legislative Budget Board and the Governor.
5. **Appropriation of Unexpended Balances: 2010 Appropriations.** The unobligated and unexpended balances of appropriations to the Public Utility Commission for the fiscal year ending August 31, 2010, are hereby appropriated to the commission for the same purposes for the fiscal year ending August 31, 2011.
6. **Contingent Revenue.** Of the amounts appropriated above to the Public Utility Commission from the GR Dedicated - System Benefit Account No. 5100, the estimated amounts of \$122,525,075 in fiscal year 2010 and \$135,246,066 in fiscal year 2011 are contingent on the Public Utility Commission assessing a rate sufficient to generate the estimated needs of the GR Dedicated - System Benefit Account No. 5100. The Public Utility Commission, upon completion of necessary actions for the assessment, shall furnish copies of the Public Utility Commission's order and other information supporting the estimated revenues to be generated for the 2010-11 biennium to the Comptroller of Public Accounts. If the comptroller finds the information sufficient to support the projection of revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
7. **Allocation of System Benefit Account.** The maximum statutory assessment rate of the GR Dedicated - System Benefit Account No. 5100 is estimated to be \$147,936,000 in fiscal year 2010 and \$149,922,000 in fiscal year 2011. The estimated balance as of August 31, 2009 is \$565,169,000 and interest income is estimated to be \$66,640,000 for the biennium. The total account balance available for appropriation for 2010-11, estimated to be \$929,667,000, has been allocated throughout this act as follows:

	2010	2011
Public Utility Commission:		
Electric Market Oversight Contracts Wholesale and Retail Market	\$ 1,200,000	\$ 1,200,000
Low Income Discount	119,570,603	132,291,594
Customer Education	750,000	750,000
Administration	<u>\$ 1,004,472</u>	<u>\$ 1,004,472</u>
 Total	 \$ 122,525,075	 \$ 135,246,066



**PUBLIC UTILITY COMMISSION OF TEXAS**  
(Continued)

- 8. Low Income Discount.** All amounts appropriated above in Strategy C.1.1, Energy Assistance, shall only be expended to provide a discount of up to 17 percent during the months of May through September in each fiscal year.
- 9. Consumer Education Requirements.** Out of amounts appropriated above, the Public Utility Commission shall develop a section on its "power to choose" website as well as other educational materials for retail and commercial customers that provides easily comparable information about buy back rates offered by all retail electric providers (REPs) for electricity generated on-site, and renewable energy credit marketers and the contract terms they offer. If a REP does not offer a buy-back rate for on-site generated power, the column will indicate "no offer." The PUC shall also make available on its website information about on-site renewable rebates and tax incentives offered by the state, federal government and utilities.
- 10. Cable and Video Service Provider Study.** Out of the funds appropriated above, the Public Utility Commission shall conduct a comprehensive and objective study to determine the extent to which any cable service providers or video service providers currently offering cable services or video services in Texas engage in the discriminatory practice of redlining. The commission shall report any and all objective and verifiable data at its disposal, including but not limited to average home value, median household income, race of household occupants, and whether or not the cable service or video service consumers own or rent their residences, of areas served per county compared to these same statistics for areas not served within the same county. The commission shall include in its study an analysis, for all cable service providers or video service providers that have been granted a state-issued certificate of franchise authority, of workforce diversity and ways to increase opportunities for historically underutilized businesses. The commission shall provide a copy of its study to every member of the Texas Legislature, and the Texas Sunset Commission, by December 31, 2009.

**OFFICE OF PUBLIC UTILITY COUNSEL**

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,758,717	\$ 1,758,717
<b>Total, Method of Financing</b>	<b>\$ 1,758,717</b>	<b>\$ 1,758,717</b>
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	23.0	23.0
<b>Schedule of Exempt Positions:</b>		
Public Counsel, Group 4	\$115,000	\$115,000
<b>Items of Appropriation:</b>		
<b>A. Goal: EQUITABLE ELECTRIC RATES</b>		
Equitable Electric Rates for Residential and Small Business Consumers.		
<b>A.1.1. Strategy: PARTICIPATION IN PROCEEDINGS</b>	\$ 1,262,871	\$ 1,262,871
Participate in Major Electric Rate Cases, Rules and Other Proceedings.		
<b>B. Goal: TELEPHONE COMPETITION</b>		
Provide Benefits and Protect Telephone Consumers in Competitive Market.		
<b>B.1.1. Strategy: TELECOMMUNICATIONS PROCEEDINGS</b>	\$ 495,846	\$ 495,846
Participate in Telecom Proceedings Involving Competitive Issues.		
<b>Grand Total, OFFICE OF PUBLIC UTILITY COUNSEL</b>	<b>\$ 1,758,717</b>	<b>\$ 1,758,717</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 1,261,903	\$ 1,261,903
Other Personnel Costs	60,461	60,461

**OFFICE OF PUBLIC UTILITY COUNSEL**  
(Continued)

Professional Fees and Services	256,152	256,152
Consumable Supplies	12,500	12,500
Travel	5,500	5,500
Rent - Building	3,264	3,264
Rent - Machine and Other	26,116	26,116
Other Operating Expense	<u>132,821</u>	<u>132,821</u>

**Total, Object-of-Expense Informational Listing** \$ 1,758,717 \$ 1,758,717

**Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:**

Employee Benefits

Retirement	\$ 63,709	\$ 64,664
Group Insurance	109,747	118,537
Social Security	90,784	92,146
Benefits Replacement	<u>8,024</u>	<u>7,623</u>

Subtotal, Employee Benefits \$ 272,264 \$ 282,970

Debt Service

Lease Payments	<u>\$ 7,444</u>	<u>\$ 7,004</u>
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**Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act** \$ 279,708 \$ 289,974

- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Office of Public Utility Counsel. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Office of Public Utility Counsel. In order to achieve the objectives and service standards established by this Act, the Office of Public Utility Counsel shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: EQUITABLE ELECTRIC RATES</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of OPUC Electric Proceedings That Are Competition Related	55%	55%
<b>A.1.1. Strategy: PARTICIPATION IN PROCEEDINGS</b>		
<b>Output (Volume):</b>		
Number of Electric Cases in Which OPUC Participates	45	45
Number of Electric Projects in Which OPUC Participates	15	15
<b>Efficiencies:</b>		
Average Cost Per Electric Proceeding in Which OPUC Participates	11,400	11,400
<b>B. Goal: TELEPHONE COMPETITION</b>		
<b>Outcome (Results/Impact):</b>		
Percent of OPUC Telecommunications Proceedings That Are Competition Related	65%	65%
<b>B.1.1. Strategy: TELECOMMUNICATIONS PROCEEDINGS</b>		
<b>Output (Volume):</b>		
Number of Telecommunications Cases in Which OPUC Participates	3	3
Number of Telecommunications Projects in Which OPUC Participates	24	24
<b>Efficiencies:</b>		
Average Cost Per Telecommunications Proceeding in Which OPUC Participates	3,300	3,300

- 2. Unexpended Balance Authority.** The unobligated and unexpended balances of appropriations to the Office of Public Utility Counsel for the fiscal year ending August 31, 2010, are hereby appropriated to the agency for the same purposes for the fiscal year ending August 31, 2011.

## BOARD OF VETERINARY MEDICAL EXAMINERS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,009,773	\$ 1,003,143
Appropriated Receipts	1,884	1,884
<b>Total, Method of Financing</b>	<b>\$ 1,011,657</b>	<b>\$ 1,005,027</b>
<b>Other Direct and Indirect Costs Appropriated Elsewhere in this Act</b>	\$ 226,307	\$ 229,334
<b>This bill pattern represents an estimated 100% of this agency's estimated total available funds for the biennium.</b>		
<b>Number of Full-Time-Equivalents (FTE):</b>	17.0	17.0
<b>Schedule of Exempt Positions:</b>		
Executive Director, Group 2	\$80,500	\$80,500
<b>Items of Appropriation:</b>		
<b>A. Goal: VETERINARY REGULATION</b>		
Implement Standards of Veterinary Practice, Enforce Statutes and Rules.		
<b>A.1.1. Strategy: OPERATE LICENSURE SYSTEM</b>	\$ 160,983	\$ 160,233
Examine and License Veterinarians and Renew Licenses.		
<b>A.1.2. Strategy: TEXASONLINE</b>	\$ 33,650	\$ 33,650
TexasOnline. Estimated and Nontransferable.		
<b>A.2.1. Strategy: COMPLAINTS AND ACTION</b>	\$ 669,950	\$ 662,903
Investigate Complaints, Take Disciplinary Action, Compliance Program.		
<b>A.2.2. Strategy: PEER ASSISTANCE</b>	\$ 30,000	\$ 30,000
<b>Total, Goal A: VETERINARY REGULATION</b>	\$ 894,583	\$ 886,786
<b>B. Goal: INDIRECT ADMINISTRATION</b>		
<b>B.1.1. Strategy: LICENSING INDIRECT ADMINISTRATION</b>	\$ 28,943	\$ 29,235
<b>B.1.2. Strategy: COMPLAINTS &amp; ACTION INDIRECT ADMIN</b>	\$ 88,131	\$ 89,006
Complaints and Action Indirect Administration.		
<b>Total, Goal B: INDIRECT ADMINISTRATION</b>	\$ 117,074	\$ 118,241
<b>Grand Total, BOARD OF VETERINARY MEDICAL EXAMINERS</b>	<b>\$ 1,011,657</b>	<b>\$ 1,005,027</b>
<b>Object-of-Expense Informational Listing:</b>		
Salaries and Wages	\$ 747,330	\$ 752,700
Other Personnel Costs	23,020	23,020
Professional Fees and Services	53,530	53,530
Consumable Supplies	8,850	8,850
Utilities	2,737	2,737
Travel	60,341	60,341
Rent - Building	1,964	1,964
Other Operating Expense	113,885	101,885
<b>Total, Object-of-Expense Informational Listing</b>	<b>\$ 1,011,657</b>	<b>\$ 1,005,027</b>
<b>Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:</b>		
<u>Employee Benefits</u>		
Retirement	\$ 26,456	\$ 26,853
Group Insurance	70,960	76,747
Social Security	44,713	45,384
Benefits Replacement	1,580	1,501
Subtotal, Employee Benefits	\$ 143,709	\$ 150,485

**BOARD OF VETERINARY MEDICAL EXAMINERS**  
(Continued)

Debt Service

Lease Payments	\$ 11,504	\$ 7,271
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<b>Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act</b>	<b>\$ 155,213</b>	<b>\$ 157,756</b>
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- 1. Performance Measure Targets.** The following is a listing of the key performance target levels for the Board of Veterinary Medical Examiners. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Board of Veterinary Medical Examiners. In order to achieve the objectives and service standards established by this Act, the Board of Veterinary Medical Examiners shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2010</u>	<u>2011</u>
<b>A. Goal: VETERINARY REGULATION</b>		
<b>Outcome (Results/Impact):</b>		
Percentage of Licensees with No Recent Violations	99%	99%
Percent of Licensees Who Renew Online	84%	84%
Percentage of Complaints Resulting in Disciplinary Action	20%	20%
Recidivism Rate for Peer Assistance Programs	16%	16%
<b>A.1.1. Strategy: OPERATE LICENSURE SYSTEM</b>		
<b>Output (Volume):</b>		
Number of New Licenses Issued to Individuals	345	345
Number of Licenses Renewed (Individuals)	7,085	7,250
<b>A.2.1. Strategy: COMPLAINTS AND ACTION</b>		
<b>Output (Volume):</b>		
Number of Complaints Resolved	500	500
<b>Efficiencies:</b>		
Average Time for Complaint Resolution (Days)	180	180
<b>Explanatory:</b>		
Number of Jurisdictional Complaints Received	440	460
<b>A.2.2. Strategy: PEER ASSISTANCE</b>		
<b>Output (Volume):</b>		
Number of Licensed Individuals Participating in a Peer Assistance Program	15	15

- 2. Contingent Revenue.** Out of the amounts appropriated above to the Board of Veterinary Medical Examiners in Strategy A.1.1, Operate Licensure System, the amounts of \$750 in fiscal year 2010, in Strategy A.2.1, Complaints and Action, the amounts of \$141,328 in fiscal year 2010 and \$134,281 in fiscal year 2011, in Strategy B.1.1, Licensing Indirect Administration, the amounts of \$7,347 in 2010 and \$7,639 in 2011, and in Strategy B.1.2, Complaints and Action Indirect Administration, the amounts of \$22,042 in 2010 and \$22,917 in 2011 in General Revenue are contingent upon the Board of Veterinary Medical Examiners assessing or increasing fees sufficient to generate, during the 2010-11 biennium, \$414,673 in excess of \$2,110,000 (Object Code 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2010 and 2011. Also, the "Number of Full-Time- Equivalents (FTE)" figure indicated above includes 4.0 FTEs in each fiscal year contingent upon the Board of Veterinary Medical Examiners generating the amount of revenue indicated above. The Board of Veterinary Medical Examiners, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Veterinary Medical Examiners minutes and other information supporting the estimated revenues to be generated for the 2010-11 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- 3. Inspection of Non-Licensed Veterinarians.** Out of amounts appropriated above in Strategy A.2.1, Complaints and Action, the Board of Veterinary Medical Examiners shall use one full-time equivalent position for inspecting unauthorized or non-licensed practices of veterinarian medicine.

## RETIREMENT AND GROUP INSURANCE

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1, 2</sup>		
General Revenue Fund, estimated	\$ 16,378,282	\$ 17,593,720
General Revenue Dedicated Accounts, estimated	18,956,001	20,249,574
<b>Total, Method of Financing</b>	\$ 35,334,283	\$ 37,843,294
<b>Items of Appropriation:</b>		
<b>A. Goal: EMPLOYEES RETIREMENT SYSTEM</b>		
<b>A.1.1. Strategy: RETIREMENT CONTRIBUTIONS</b> <sup>1</sup>	\$ 10,281,190	\$ 10,509,325
Retirement Contributions. Estimated.		
<b>A.1.2. Strategy: GROUP INSURANCE</b> <sup>2</sup>	\$ 25,053,093	\$ 27,333,969
Group Insurance. Estimated.		
<b>Total, Goal A: EMPLOYEES RETIREMENT SYSTEM</b>	\$ 35,334,283	\$ 37,843,294
<b>Grand Total, RETIREMENT AND GROUP INSURANCE</b>	\$ 35,334,283	\$ 37,843,294

<sup>1</sup> Incorporates Article IX, § 17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Retirement benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$193,500 in General Revenue Funds, and \$38,700 in General Revenue-Dedicated Funds in FY 2010; and increases of \$258,000 in General Revenue Funds and \$51,600 in General Revenue-Dedicated Funds in FY 2011.

<sup>2</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Group Insurance benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$510,224 in General Revenue Funds, and \$102,045 in General Revenue-Dedicated Funds in FY 2010; and increases of \$726,560 in General Revenue Funds, and \$145,312 in General Revenue-Dedicated Funds in FY 2011.

## SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b> <sup>1</sup>		
General Revenue Fund, estimated	\$ 6,765,577	\$ 6,836,704
General Revenue Dedicated Accounts, estimated	7,164,252	7,223,567
State Highway Fund No. 006, estimated	202,096	204,025
<b>Total, Method of Financing</b>	\$ 14,131,925	\$ 14,264,296
<b>Items of Appropriation:</b>		
<b>A. Goal: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>		
Comptroller - Social Security.		
<b>A.1.1. Strategy: STATE MATCH – EMPLOYER</b> <sup>1</sup>	\$ 12,991,953	\$ 13,181,323
State Match — Employer. Estimated.		
<b>A.1.2. Strategy: BENEFIT REPLACEMENT PAY</b>	\$ 1,139,972	\$ 1,082,973
Benefit Replacement Pay. Estimated.		
<b>Total, Goal A: SOCIAL SECURITY/BENEFIT REPLACEMENT</b>	\$ 14,131,925	\$ 14,264,296
<b>Grand Total, SOCIAL SECURITY AND BENEFIT REPLACEMENT PAY</b>	\$ 14,131,925	\$ 14,264,296

<sup>1</sup> Incorporates Article IX, §17.02(a), of this Act, relating to additional appropriations for employee benefits, which increases Social Security benefits proportionally with the number of full-time equivalents increased in agency bill patterns, resulting in increases of \$306,000 in General Revenue Funds, and \$61,200 in General Revenue-Dedicated Funds in FY 2010; and increases of \$306,000 in General Revenue Funds, and \$61,200 in General Revenue-Dedicated Funds in FY 2011.

## LEASE PAYMENTS

	For the Years Ending	
	August 31, 2010	August 31, 2011
<b>Method of Financing:</b>		
General Revenue Fund	\$ 1,185,526	\$ 978,405
GR Dedicated - Texas Department of Insurance Operating Fund Account No. 036	1,031,819	640,031
<b>Total, Method of Financing</b>	\$ 2,217,345	\$ 1,618,436
<b>Items of Appropriation:</b>		
<b>A. Goal:</b> FINANCE CAPITAL PROJECTS		
<b>A.1.1. Strategy:</b> LEASE PAYMENTS	\$ 2,217,345	\$ 1,618,436 & UB
To TFC for Payment to TPFA.		
<b>Grand Total, LEASE PAYMENTS</b>	\$ 2,217,345	\$ 1,618,436

## SPECIAL PROVISIONS RELATING TO ALL REGULATORY AGENCIES

**Sec. 2. Appropriations Limited to Revenue Collections.** It is the intent of the Legislature that fees, fines, and other miscellaneous revenues as authorized and generated by each of the following agencies cover, at a minimum, the cost of appropriations made above and elsewhere in this Act to those agencies as well as an amount equal to the amount identified in the informational item "Other Direct and Indirect Costs Appropriated Elsewhere in This Act."

- Department of Banking<sup>1</sup>
- Board of Chiropractic Examiners
- Office of Consumer Credit Commissioner<sup>1</sup>
- Credit Union Department<sup>1</sup>
- Texas State Board of Dental Examiners
- Funeral Service Commission
- Board of Professional Geoscientists
- Office of Injured Employee Counsel
- Department of Insurance
- Office of Public Insurance Counsel
- Board of Professional Land Surveying
- Department of Licensing and Regulation
- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Board of Plumbing Examiners
- Board of Podiatric Medical Examiners
- Board of Examiners of Psychologists
- Racing Commission
- Real Estate Commission
- Residential Construction Commission
- Department of Savings and Mortgage Lending<sup>1</sup>
- Securities Board
- Board of Tax Professional Examiners
- Board of Veterinary Medical Examiners

In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board and Governor may direct that the Comptroller of Public Accounts reduce the appropriation authority provided by this Act to be within the amount of fee revenue expected to be available.

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<sup>1</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the agency becoming a self-directed and semi-independent agency. As such, the agency appropriations are voided since the agency is removed from the legislative budgeting process and is generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

**SPECIAL PROVISIONS RELATING TO ALL REGULATORY AGENCIES**  
(Continued)

**Sec. 3. Funding for Health Professions Council.** An agency participating in the Health Professions Council shall transfer funds through interagency contract to the Health Professions Council from appropriations made to the agency elsewhere in this Act in order to carry out the functions required under Chapter 101, Occupation Code. Included in the amounts appropriated above to the Health Professions Council, are funds transferred by the following participating agencies in the amounts noted below for each year of the 2010-11 biennium:

	<u>2010</u>	<u>2011</u>
Department of State Health Services	\$ 11,846	\$ 11,846
Board of Chiropractic Examiners	5,435	5,435
Texas State Board of Dental Examiners	20,187	20,187
Funeral Service Commission	8,468	8,468
Texas Medical Board	25,646	25,646
Texas Board of Nursing	22,638	22,638
Optometry Board	5,481	5,481
Board of Pharmacy	20,384	20,384
Executive Council of Physical Therapy & Occupational Therapy Examiners	11,004	11,004
Board of Podiatric Medical Examiners	4,877	4,877
Board of Examiners of Psychologists	9,082	9,082
Board of Veterinary Medical Examiners	8,173	8,173
 Total	 \$ 153,221	 \$ 153,221

**Sec. 4. TexasOnline Authority Appropriation.**

- a. Each Article VIII licensing agency participating in the TexasOnline Authority is authorized in accordance with § 2054.252 of the Government Code to increase the occupational license, permit, and registration fees imposed on the licensees by an amount sufficient to cover the cost of the subscription fee charged by the TexasOnline Authority.
- b. The following is an informational listing for each Article VIII licensing agency participating in TexasOnline of appropriated fee revenue for the purpose of paying TexasOnline Authority subscription fees.

	<u>2010</u>	<u>2011</u>
Board of Chiropractic Examiners	\$ 29,850	\$ 29,850
Office of Consumer Credit Commissioner <sup>2</sup>	15,000	15,000
Texas State Board of Dental Examiners	184,629	184,629
Funeral Services Commission	39,000	39,000
Board of Professional Geoscientists	30,000	30,000
Department of Insurance	380,000	380,000
Board of Professional Land Surveying	18,000	18,000
Department of Licensing and Regulation	331,200	331,200
Texas Medical Board	316,841	316,841
Texas Board of Nursing	325,000	325,000
Optometry Board	16,750	16,750
Board of Pharmacy	217,345	221,785
Executive Council of Physical Therapy & Occupational Therapy Examiners	131,175	131,175
Board of Plumbing Examiners	155,000	155,000
Board of Podiatric Medical Examiners	4,130	4,130
Board of Examiners of Psychologists	32,000	32,000
Racing Commission	23,250	23,250
Real Estate Commission	322,000	322,000
Residential Construction Commission	350,000	350,000
Department of Savings and Mortgage Lending <sup>2</sup>	52,000	52,000

<sup>2</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the agency becoming a self-directed and semi-independent agency. As such, the agency appropriations are voided since the agency is removed from the legislative budgeting process and is generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

## SPECIAL PROVISIONS RELATING TO ALL REGULATORY AGENCIES

(Continued)

Board of Tax Professional Examiners	16,250	16,250
Board of Veterinary Medical Examiners	33,650	33,650
Total	\$ 3,023,070	\$ 3,027,510

- c. In the event that actual and/or projected revenue collections from fee increases to cover the cost of TexasOnline subscription fees are insufficient to offset the costs identified above, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies participating in TexasOnline to be within the amount of fee revenue expected to be available.
- d. For new licensing applications, the Article VIII licensing agencies participating in TexasOnline are hereby appropriated the additional revenue generated from occupational license, permit, or registration fees in excess of the Comptroller's biennial revenue estimate 2010-11 for the sole purpose of payment to the TexasOnline Authority contractor of subscription fees for implementing and maintaining electronic services for the licensing agencies. Each agency, upon completion of necessary actions to access or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purposes.
- e. Each Article VIII licensing agency participating in TexasOnline shall notify the Legislative Budget Board and the Comptroller of Public Accounts in writing upon receiving an exemption from participating in TexasOnline. Within 45 days of receiving an exemption, an agency shall provide the Legislative Budget Board and the Comptroller with a report of the effective date, the reason for exemption, and all estimated expenditures for TexasOnline costs in the fiscal year in which the exemption is made.

**Sec. 5. Peer Assistance Program Funding Requirements.** Funds collected during the biennium beginning September 1, 2009, by the Board of Pharmacy pursuant to Chapter 564, Occupations Code, and by the Texas Board of Nursing, the Texas State Board of Dental Examiners, the Optometry Board, and the Board of Veterinary Medical Examiners pursuant to Chapter 467 of the Health and Safety Code, in order to administer or finance peer assistance programs for professionals impaired by chemical dependency or mental illness, are appropriated elsewhere in this Act as identified in each Board's peer assistance strategy. The expenditure of the appropriations identified by this section is hereby made contingent upon sufficient revenue collections from peer assistance surcharges or other receipts collected pursuant to Chapter 467 of the Health and Safety Code or Chapter 564, Occupations Code as appropriate. None of the appropriations identified by this section may be expended unless each agency with a peer assistance program has on file the following current documents:

- a. a request for proposal documentation and contracts documenting that the respective agency governing board has a competitively bid contract with the peer assistance program;
- b. documentation for programs authorized under Chapter 467 of the Health and Safety Code that the agency's peer assistance program has been certified by the Department of State Health Services (DSHS) as meeting all DSHS criteria for peer assistance programs;
- c. documentation for programs authorized under Chapter 467 showing compliance with statutory requirements regarding eligible participants and conditions for which services may be offered; and
- d. documentation that the program has been approved by the agency governing board.

### **Sec. 6. Contingency Appropriation for Criminal History Record Information.**

- a. For each Article VIII licensing agency conducting criminal history background checks that is authorized in accordance with the Government Code to increase the occupational license, permit, and/or registration fee imposed on the licensees by an amount sufficient to cover the cost of the fee charged by the Department of Public Safety (DPS), Federal Bureau of Investigation (FBI), and/or any other entity authorized to conduct criminal history background checks, in the event that actual and/or projected revenue collections from fee increases to cover the cost of criminal history background checks are insufficient to offset the costs



**SPECIAL PROVISIONS RELATING TO ALL REGULATORY AGENCIES**  
(Continued)

included in the agency's appropriations that is budgeted for criminal history background checks, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to agencies conducting criminal history background checks to be within the amount of revenue expected to be available.

- b. Each Article VIII licensing agency conducting criminal history background checks is hereby appropriated the additional revenue generated from occupational license, permit, and/or registration fees in excess of the Comptroller's biennial revenue estimate for 2010-11 for the sole purpose of conducting criminal history background checks. Each agency, upon completion of necessary actions to assess or increase fees, shall furnish copies of board meeting minutes, an annual schedule of the number of license issuances or renewals and associated annual fee total, and any other supporting documentation to the Comptroller. If the Comptroller finds the information sufficient to support the projection of increased revenues, a notification letter will be issued and the contingent appropriation made available for the intended purpose.
- c. The following is an informational listing of agency appropriations included for each Article VIII licensing agency conducting criminal history background checks.

	<u>2010</u>	<u>2011</u>
Office of Consumer Credit Commissioner <sup>3</sup>	\$ 130,000	\$ 130,000
Department of Licensing and Regulation	276,000	283,000
Texas Board of Nursing	928,225	928,225
Optometry Board	6,500	6,500
Board of Plumbing Examiners	2,500	2,500
Board of Podiatric Medical Examiners	3,000	3,000
Racing Commission	25,000	25,000
Real Estate Commission	1,089,550	1,449,525
Department of Savings and Mortgage Lending <sup>3</sup>	225,000	225,000
Board of Veterinary Medical Examiners	200	200
 Total	 \$ 2,685,975	 \$ 3,052,950

**Sec. 7. Contingent Funding for Health Professions Council Shared Regulatory Database Migration.**

- a. If a finding of fact is not issued by the Comptroller of Public Accounts to make available the contingent appropriation specified in Contingent Revenue riders elsewhere in this Act for all of the agencies identified below, this subsection (a) has no effect. Otherwise, an agency participating in the Health Professions Council Shared Regulatory Database Migration Project shall transfer funds through interagency contract to the Health Professions Council from appropriations made elsewhere in this Act in order to fund the new shared database. Included in the amounts appropriated above to the Health Professions Council and in addition to amounts identified in Sec. 3, Funding for Health Professions Council, are funds transferred by the following participating agencies in the amounts noted below for each year of the 2010-11 biennium:

	<u>2010</u>	<u>2011</u>
Texas State Board of Dental Examiners	\$ 644,427	\$ 158,125
Board of Professional Land Surveying	54,409	17,843
Optometry Board	47,784	32,991
Board of Pharmacy	943,228	206,321
Board of Plumbing Examiners	569,121	133,048
Board of Examiners of Psychologists	93,339	58,862
 Total	 \$2,352,308	 \$ 607,190

<sup>3</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the agency becoming a self-directed and semi-independent agency. As such, the agency appropriations are voided since the agency is removed from the legislative budgeting process and is generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

## SPECIAL PROVISIONS RELATING TO ALL REGULATORY AGENCIES

(Continued)

- b. If subsection (a) has no effect, amounts identified below for each agency may not be expended if a finding of fact has been issued by the Comptroller of Public Accounts making available contingent appropriations specified in Contingent Revenue riders elsewhere in this Act. Also, the "Number of Full-Time-Equivalents (FTE)" figure indicated elsewhere for the Health Professions Council shall be reduced by 3.0 FTEs in each fiscal year if subsection (a) has no effect.

	_____ 2010	_____ 2011
Texas State Board of Dental Examiners	\$ 644,427	\$ 59,155
Board of Professional Land Surveying	54,409	4,994
Optometry Board	47,784	4,386
Board of Pharmacy	943,228	86,583
Board of Plumbing Examiners	569,121	52,242
Board of Examiners of Psychologists	93,339	8,568
Total	\$2,352,308	\$ 215,928

### Sec. 8. Self-Leveling Agency Fee Change Notification Requirements.

- a. Upon completion of actions to increase fees to cover an increase in appropriations and other necessary costs, an agency listed below in subsection (c) shall furnish copies of the agency's minutes and other information supporting the estimated revenues to be generated for the biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the increased appropriations shall be made available for the intended purposes.
- b. Upon completion of actions to decrease fees or upon receiving information that actual and/or projected revenue collections will be insufficient to offset appropriations and other necessary costs, an agency listed below in subsection (c) shall immediately provide notification to the Legislative Budget Board, the Governor, and the Comptroller of Public Accounts. The Comptroller of Public Accounts shall reduce the appropriation authority provided by this Act to be within the amount of revenue expected to be available unless the agency completes actions to increase revenues and receives a finding of fact from the Comptroller of Public Accounts pursuant to the requirements of subsection (a) above.
- c. Department of Banking<sup>4</sup>  
Office of Consumer Credit Commissioner<sup>4</sup>  
Credit Union Department<sup>4</sup>  
Department of Insurance  
Department of Savings and Mortgage Lending<sup>4</sup>

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<sup>4</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the agency becoming a self-directed and semi-independent agency. As such, the agency appropriations are voided since the agency is removed from the legislative budgeting process and is generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

**RECAPITULATION - ARTICLE VIII  
REGULATORY  
(General Revenue)<sup>1, 2</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
State Office of Administrative Hearings	\$ 3,490,002	\$ 3,484,353
Board of Chiropractic Examiners	610,620	592,620
Texas State Board of Dental Examiners	2,699,845	2,102,718
Funeral Service Commission	743,751	737,751
Board of Professional Geoscientists	795,812	653,953
Department of Insurance	36,418,858	36,209,433
Office of Public Insurance Counsel	1,073,777	1,073,777
Board of Professional Land Surveying	486,493	442,124
Department of Licensing and Regulation	23,642,216	23,636,403
Texas Medical Board	9,363,536	9,098,759
Texas Board of Nursing	7,550,283	7,805,533
Optometry Board	483,778	440,381
Board of Pharmacy	6,103,241	5,133,340
Executive Council of Physical Therapy & Occupational Therapy Examiners	1,060,722	1,051,119
Board of Plumbing Examiners	2,623,794	2,078,909
Board of Podiatric Medical Examiners	239,798	238,375
Board of Examiners of Psychologists	892,976	800,206
Real Estate Commission	8,013,351	8,131,234
Residential Construction Commission	8,991,102	0
Securities Board	7,851,340	7,871,716
Board of Tax Professional Examiners	192,763	0
Public Utility Commission of Texas	10,877,758	10,785,198
Office of Public Utility Counsel	1,758,717	1,758,717
Board of Veterinary Medical Examiners	<u>1,009,773</u>	<u>1,003,143</u>
 Subtotal, Regulatory	 <u>\$ 136,974,306</u>	 <u>\$ 125,129,762</u>
 Retirement and Group Insurance	 16,378,282	 17,593,720
Social Security and Benefit Replacement Pay	<u>6,765,577</u>	<u>6,836,704</u>
 Subtotal, Employee Benefits	 <u>\$ 23,143,859</u>	 <u>\$ 24,430,424</u>
 Lease Payments	 <u>1,185,526</u>	 <u>978,405</u>
 Subtotal, Debt Service	 <u>\$ 1,185,526</u>	 <u>\$ 978,405</u>
 TOTAL, ARTICLE VIII - REGULATORY	 <u>\$ 161,303,691</u>	 <u>\$ 150,538,591</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

<sup>2</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the Department of Banking, the Office of Consumer Credit Commissioner, the Credit Union Department, and the Department of Savings and Mortgage Lending becoming self-directed and semi-independent agencies. As such, appropriations for these agencies are voided since these agencies are removed from the legislative budgeting process and are generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

**RECAPITULATION - ARTICLE VIII  
REGULATORY  
(General Revenue - Dedicated)<sup>i</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
	<u>2010</u>	<u>2011</u>
Office of Injured Employee Counsel	\$ 7,769,542	\$ 7,769,542
Department of Insurance	64,012,646	63,554,924
Department of Licensing and Regulation	25,000	131,040
Texas Medical Board	2,228,281	2,229,642
Racing Commission	10,148,402	10,148,401
Contingency Appropriations	<u>635,637</u>	<u>635,637</u>
Total	10,784,039	10,784,038
Real Estate Commission	120,000	120,000
Public Utility Commission of Texas	<u>122,525,075</u>	<u>135,246,066</u>
Subtotal, Regulatory	<u>\$ 207,464,583</u>	<u>\$ 219,835,252</u>
Retirement and Group Insurance	18,956,001	20,249,574
Social Security and Benefit Replacement Pay	<u>7,164,252</u>	<u>7,223,567</u>
Subtotal, Employee Benefits	<u>\$ 26,120,253</u>	<u>\$ 27,473,141</u>
Lease Payments	<u>1,031,819</u>	<u>640,031</u>
Subtotal, Debt Service	<u>\$ 1,031,819</u>	<u>\$ 640,031</u>
TOTAL, ARTICLE VIII - REGULATORY	<u>\$ 234,616,655</u>	<u>\$ 247,948,424</u>

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<sup>i</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VIII  
REGULATORY  
(Federal Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
Department of Insurance	\$ <u>2,254,623</u>	\$ <u>2,254,623</u>
Subtotal, Regulatory	\$ <u>2,254,623</u>	\$ <u>2,254,623</u>
TOTAL, ARTICLE VIII - REGULATORY	\$ <u><u>2,254,623</u></u>	\$ <u><u>2,254,623</u></u>

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<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VIII  
REGULATORY  
(Other Funds)<sup>1</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
State Office of Administrative Hearings	\$ 7,059,211	\$ 7,059,212
Board of Chiropractic Examiners	31,000	31,000
Texas State Board of Dental Examiners	72,000	72,000
Funeral Service Commission	58,000	58,000
Health Professions Council	2,513,779	768,662
Department of Insurance	18,150,716	18,171,716
Office of Public Insurance Counsel	48,000	48,000
Department of Licensing and Regulation	538,634	538,634
Texas Medical Board	64,423	64,423
Texas Board of Nursing	823,100	823,100
Optometry Board	49,580	49,581
Board of Pharmacy	7,730	7,730
Executive Council of Physical Therapy & Occupational Therapy Examiners	80,676	80,678
Board of Plumbing Examiners	48,750	48,750
Board of Podiatric Medical Examiners	3,200	3,200
Board of Examiners of Psychologists	79,398	79,398
Real Estate Commission	190,500	190,500
Residential Construction Commission	4,000	0
Public Utility Commission of Texas	475,000	475,000
Board of Veterinary Medical Examiners	<u>1,884</u>	<u>1,884</u>
 Subtotal, Regulatory	 <u>\$ 30,299,581</u>	 <u>\$ 28,571,468</u>
 Social Security and Benefit Replacement Pay	 <u>202,096</u>	 <u>204,025</u>
 Subtotal, Employee Benefits	 <u>\$ 202,096</u>	 <u>\$ 204,025</u>
 Less Interagency Contracts	 <u>\$ 6,365,865</u>	 <u>\$ 4,620,749</u>
 TOTAL, ARTICLE VIII - REGULATORY	 <u>\$ 24,135,812</u>	 <u>\$ 24,154,744</u>

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

**RECAPITULATION - ARTICLE VIII  
REGULATORY  
(All Funds)<sup>1, 2</sup>**

	For the Years Ending	
	August 31, 2010	August 31, 2011
State Office of Administrative Hearings	\$ 10,549,213	\$ 10,543,565
Board of Chiropractic Examiners	641,620	623,620
Texas State Board of Dental Examiners	2,771,845	2,174,718
Funeral Service Commission	801,751	795,751
Board of Professional Geoscientists	795,812	653,953
Health Professions Council	2,513,779	768,662
Office of Injured Employee Counsel	7,769,542	7,769,542
Department of Insurance	120,836,843	120,190,696
Office of Public Insurance Counsel	1,121,777	1,121,777
Board of Professional Land Surveying	486,493	442,124
Department of Licensing and Regulation	24,205,850	24,306,077
Texas Medical Board	11,656,240	11,392,824
Texas Board of Nursing	8,373,383	8,628,633
Optometry Board	533,358	489,962
Board of Pharmacy	6,110,971	5,141,070
Executive Council of Physical Therapy & Occupational Therapy Examiners	1,141,398	1,131,797
Board of Plumbing Examiners	2,672,544	2,127,659
Board of Podiatric Medical Examiners	242,998	241,575
Board of Examiners of Psychologists	972,374	879,604
Racing Commission	10,148,402	10,148,401
Contingency Appropriations	635,637	635,637
Total	10,784,039	10,784,038
Real Estate Commission	8,323,851	8,441,734
Residential Construction Commission	8,995,102	0
Securities Board	7,851,340	7,871,716
Board of Tax Professional Examiners	192,763	0
Public Utility Commission of Texas	133,877,833	146,506,264
Office of Public Utility Counsel	1,758,717	1,758,717
Board of Veterinary Medical Examiners	1,011,657	1,005,027
Subtotal, Regulatory	\$ 376,993,093	\$ 375,791,105
Retirement and Group Insurance	35,334,283	37,843,294
Social Security and Benefit Replacement Pay	14,131,925	14,264,296
Subtotal, Employee Benefits	\$ 49,466,208	\$ 52,107,590
Lease Payments	2,217,345	1,618,436
Subtotal, Debt Service	\$ 2,217,345	\$ 1,618,436
Less Interagency Contracts	\$ 6,365,865	\$ 4,620,749
TOTAL, ARTICLE VIII - REGULATORY	\$ 422,310,781	\$ 424,896,382
Number of Full-Time-Equivalents (FTE)	3,521.8	3,448.0

<sup>1</sup> Appropriation figures in SB 1, Conference Committee Report, 81<sup>st</sup> Legislature, Regular Session, have been adjusted to incorporate certain provisions elsewhere in agency bill patterns, certain Article IX appropriations, Governor's vetoes, HB 4586, and other miscellaneous bills, including those of the First Called Session. For specific adjustments, please see agency bill patterns.

<sup>2</sup> HB 2774, 81<sup>st</sup> Legislature, Regular Session, was enacted, resulting in the Department of Banking, the Office of Consumer Credit Commissioner, the Credit Union Department, and the Department of Savings and Mortgage Lending becoming self-directed and semi-independent agencies. As such, appropriations for these agencies are voided since these agencies are removed from the legislative budgeting process and are generally allowed to operate outside the provisions of the 2010-11 General Appropriations Act.

